

JUNE 2023

Jails & Justice: Tracking Change

A Report Card on the District Task Force on
Jails & Justice's Phase II Recommendations

DISTRICT TASK FORCE ON
JAILS & JUSTICE



Jails & Justice: Tracking Change

A Report Card on the District Task Force on Jails & Justice's Phase II Recommendations

Table of Contents

Background.....	2
Objective And Scope.....	3
Methodology.....	4
Results.....	7
Conclusion and Acknowledgements.....	16
Members of the District Task Force on Jails & Justice.....	17
Advisors of the District Task Force on Jails & Justice.....	18

Background

The District Task Force on Jails & Justice (Task Force) is an independent advisory body founded in 2019. The mission of the Task Force is to redefine D.C.'s approach to incarceration by building District-wide engagement, centering the voices of those with lived experiences, understanding community priorities, and exploring the use and design of secure detention and community-based solutions.

The Task Force is comprised of twenty-six voting members representing both government and non-government entities who lead its work, as well as an advisory body of community leaders who have lent their perspective and expertise to help shape recommendations made by the Task Force in both its Phase I and Phase II reports.

In its Phase I report, [A Framework for Change](#), released in October 2019, the Task Force set forth clear principles and goals to guide District reforms to justice system policies, correctional facilities, and community-based investments. Building on the findings, data, and recommendations of the Phase I report, Task Force and Advisory members reconvened throughout 2020 to develop policy and practice recommendations with clear, detailed steps to improve public safety, the legal system, and decrease D.C.'s reliance on incarceration. The resulting Phase II report, [Jails & Justice: Our Transformation Starts Today](#), was released in February 2021 and includes 80 recommendations and corresponding steps for overhauling the District's jails and justice systems over ten years (between FY21 and FY30). The Phase II report serves as a measurable roadmap for how D.C. can meaningfully invest in safe communities and lower incarceration rates by half. The implementation status of the Phase II report is the focus of analysis for this report.

Objective And Scope

The purpose of this report is to provide a status update on the implementation of all Phase II recommendations that the Task Force believed could and should have been implemented in Fiscal Years (FY) 2021 and/or 2022. Recommendations were organized into ten sections and each individual recommendation had one or more steps associated with it. There were a total of 80 recommendations and 169 steps in the original Phase II report. Of those, 77 recommendations were reviewed for this report, including 105 steps that were supposed to be implemented in FY21 and 120 steps that were supposed to be implemented in FY22 (there is significant overlap in these numbers due to steps and recommendations intended to be implemented across multiple fiscal years).

The Task Force's intention in publishing this report is to provide a snapshot of how much progress D.C. has made in achieving the goals of the Phase II report, as well as to set an accurate baseline from which District leaders, Task Force members, and community stakeholders can continue to redefine our local approach to corrections, ensuring that our jail is one part of a just and equitable overall system.

Methodology

Research and Review

The 80 recommendations in the Phase II report are grouped into ten sections. Each section contains several recommendations, and each recommendation is comprised of one or more steps. We entered all 80 recommendations and their components steps into a tracking spreadsheet divided into ten distinct charts. Under each recommendation, we included those steps of the recommendation that were slated to be implemented in whole or in part in FY21 and/or FY22. Each step was then assigned an implementation status based on a detailed research and review process. The complete charts of recommendations, accompanying notes, and implementation statuses can be found in the attached appendix.

The notes and implementation statuses that you will see in the attached appendix to this report are a result of a multifaceted research and confirmation process. Initial research was conducted by a *pro bono* team from the firm Wiley Rein LLP, followed by review and additional analysis by CCE staff and consultants, and, finally, input from Task Force members and advisors, including both government and non-government stakeholders. To make the status determinations, we examined information that could be found through public records. These sources included District agency websites; D.C. Council hearing records, including testimony, committee reports, and votes on legislation; District budget documents; and any other publications such as annual reports from executive agencies, reports from nongovernment or community partners, or news coverage of District government actions. We also solicited details about implementation from Task Force members and Advisors with directly relevant expertise and knowledge of those recommendations, as well as from executive agencies on specific recommendations relevant to their agency.

Each step of the report was assigned an implementation status based on that research and review process: *Fully Implemented*, *Substantially Implemented*, *Partially Implemented*, *Not Implemented*, or *Other* according to the following definitions.

- **Fully Implemented**: The exact step has been implemented as written by the Task Force, even if it was implemented outside of the timeline delineated by the Task Force.
- **Substantially Implemented**: The step has been largely implemented, even if it was implemented outside of the timeline delineated by the Task Force, or implementation looks slightly different than what was originally proposed by the Task Force. In other words, the spirit of the recommendation has been implemented but not the exact letter.
- **Partially Implemented**: Implementation has begun on this step, even though it may have begun outside of the timeline delineated by the Task Force. This applies to both one-time/one-off recommendations and to those meant to be implemented over the course of several fiscal years. This status applies to both those steps that are in progress, as well as to those on which implementation has begun but plans for future progress remain unclear.

- Not Implemented: There has been no progress to date on this step. Implementation has not begun, even though the Task Force recommended that the step be implemented or begin implementation in FY21 or FY22.
- Other: We were unable to determine whether this step has been implemented in part or in full, or it is no longer possible to implement the step.

Scoring

Each step within a recommendation was given a score based on its implementation status. We used the following point system to assign scores to each step:

- Fully Implemented – 4 points
- Substantially Implemented – 3 points
- Partially Implemented – 2 points
- Not Implemented – 1 point
- Other – unable to score

The scores were then added up and divided by the total possible points to create an overall percentage score for the recommendation, with total possible points equaling the number of steps multiplied by four (4) points. Any step with an implementation status of “Other” was not included in the overall score or percentage for the recommendation. For example, if a recommendation included three steps and one of those steps was given the status of “Other,” the total possible points for that recommendation would be eight (8), not 12.

The percentages associated with each recommendation were then matched with an overall implementation status using the following scale:

- 0 to 25% = Not Implemented
- 26 to 50% = Partially Implemented
- 51 to 99% = Substantially Implemented
- 100% = Fully Implemented

(Note: a recommendation was only given an implementation status of “Fully Implemented” if every single step within that recommendation was judged to be fully implemented.)

Thus, each recommendation has an overall implementation status based on the progress to implementation of its component steps.

Limitations

The information gathered during the research period for this report is up to date as of April 1, 2023. However, as noted earlier, only recommendations that were to be implemented or begin implementation in FY21 and FY22 have been reviewed and evaluated for this report, meaning that some steps under specific recommendations of the Phase II report were omitted from our

analysis and from the attached charts because they fall outside the scope of this report. In addition, this report does not include information or updates that have occurred since the end of FY22, except when that information referred to FY22 or FY21 (for instance, we frequently referenced performance oversight responses from various agencies released in Spring 2023 which detailed their work in FY22).

It is worth noting that the amount of input and feedback the Task Force received from stakeholders and executive agencies varied by section and by recommendation. Requests for information were made informally (i.e., not through FOIA requests or other official means) and responsiveness to those requests varied. The evidence of implementation included in some instances was also impacted by the limited availability of public information on agency efforts and progress. For example, many of the steps which have been assigned the status of “Other” were labeled as such because we could not find adequate evidence either for or against their progress. Once this report is published, if the Task Force receives information on specific steps or recommendations that would warrant a change of implementation status, we will make those corrections to updated versions of the report.

It is also important to note that each step within each recommendation and each overall recommendation itself were weighed equally, even though some steps may be significantly more time-consuming and harder to implement compared to others. To some extent, the more difficult and time-consuming steps were intended to be implemented across multiple fiscal years, but the weighting issue remains.

Finally, during this review period, both researchers and stakeholders who gave feedback identified a few recommendations in the Phase II report that either cannot be implemented as written or that would need more details or revisions to be implemented successfully. The steps and recommendations for which such issues arose are reflected in the notes sections of the attached charts so that the Task Force may revisit them during its next stage of review.

Results

Overall

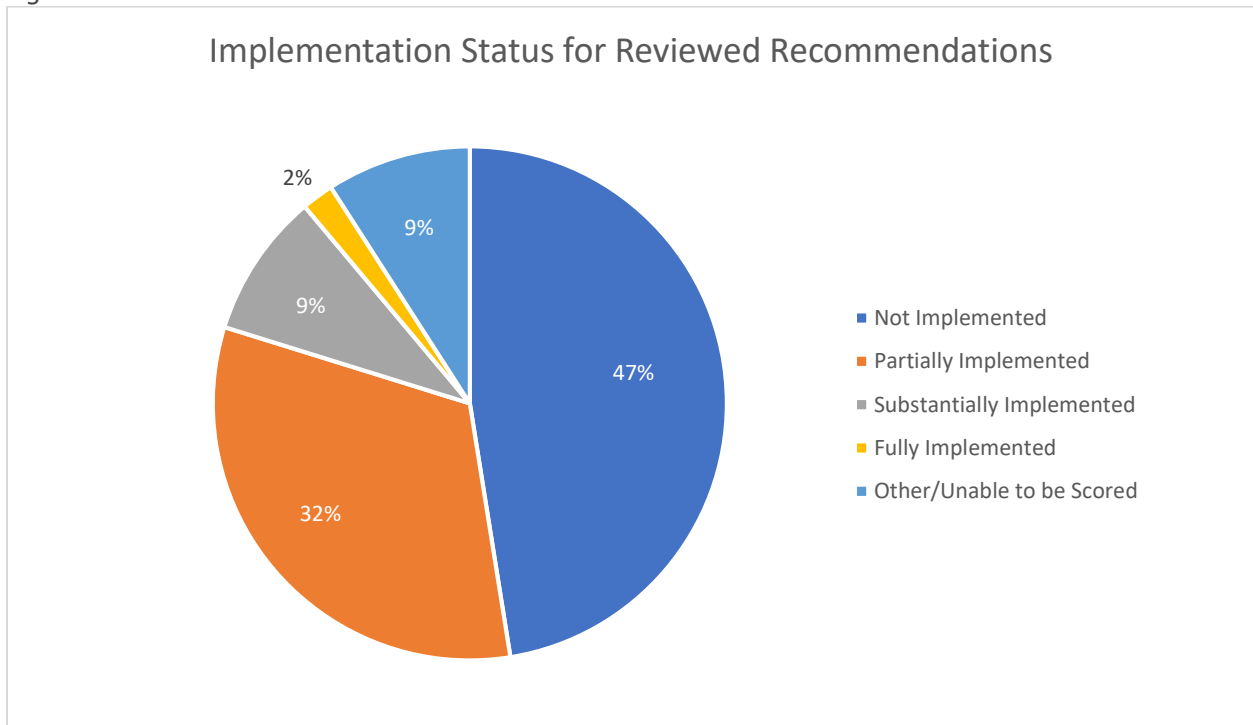
As noted above, 77 recommendations (and more than 100 steps to accomplish those recommendations) were reviewed for this report and assigned an implementation status.

Of the recommendations reviewed:

- 36 were Not Implemented
- 25 were Partially Implemented
- 7 were Substantially Implemented
- 2 were Fully Implemented and
- 7 were unable to be scored because we could not determine their implementation status from the information available to us or because the recommendations themselves cannot be implemented as originally contemplated.

See Figure 1 for implementation statuses in terms of percentages.

Figure 1



Overall, it is disappointing that a plurality of the recommendations (47%) have not been implemented or even started implementation two years after the Phase II report was released. If the District is to redefine its approach to incarceration through prioritizing prevention and care, reimagine accountability through a rehabilitative lens, and comprehensively address public

safety without reinforcing the racial disparities that have existed in the criminal legal system since its inception, more progress needs to be made and quickly.

However, we are excited to see that implementation has begun or been substantially completed on 41% of the recommendations and that two (2) of the recommendations have been fully implemented. Changing a decades long approach to the criminal legal system is not easy, and we applaud the efforts that have happened so far. We also look forward to continuing to support and advocate for more change in the future.

Results By Section¹

There are a few key takeaways we can draw by reviewing the sections of the report:

- The two Fully Implemented recommendations were due to passage of legislation by D.C. Council (see Section 6 – Disposition and Sentencing and the other in Section 8 – Release from Incarceration).
- None of the sections had more than two recommendations considered Substantially Implemented, and four sections had no recommendations considered Substantially or Fully Implemented at all.
- Law Enforcement Contact had the most recommendations reviewed in this report (a total of 12). Of those, two were Substantially Implemented, five were Partially Implemented and five were Not Implemented.
- Parole, Probation, Supervised Release had the highest proportion of Not Implemented recommendations out of the 10 sections (7 out of 10 recommendations or 70%). The second highest was Pretrial Release, which had seven recommendations that were Not Implemented out of a total of 11 reviewed (63%).
- Reentry was the only section where all recommendations scored were at least Partially Implemented (i.e., no recommendations were marked as Not Implemented).

Below is a Section-by-Section breakdown of each recommendation and its implementation status. The statuses have been color coded for easier review:

- Fully Implemented = Green
- Substantially Implemented = Orange
- Partially Implemented = Purple
- Not Implemented = Red
- Other (Unable to Score) = Blue

¹ Note that any recommendations (or steps of recommendations) intended to be implemented in FY23 or later have been removed from the charts and not counted as part of the scoring process. Additionally, some recommendations and steps were duplicated across sections; duplicates have been removed from certain sections and not counted as part of the scoring process for that section. For a full list of recommendations, please refer to the Phase II report: <http://www.courtexcellence.org/uploads/publications/TransformationStartsToday.pdf>

Section 1 – Community Investments to Prevent Law Enforcement Contact

# ²	Recommendation Text	Implementation Status
1	Divest from D.C. Metropolitan Police Department (MPD), specifically targeting cuts to budgets for crowd control supplies, military style equipment, eliminating the School Safety Division, and reducing the number of patrol officers by 25%, and invest those funds into initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration.	Substantially Implemented
2	Engage residents of public housing in a consultative process to design interventions to increase public safety through non-law enforcement strategies.	Not Implemented
3	Reduce the number of correctional officers employed by the D.C. Department of Corrections (DOC), as fewer people are incarcerated and DOC uses the direct supervision model more with the closure of the Central Detention Facility (CDF). Reinvest those funds into initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration.	Not Implemented
4	Create additional affordable housing, workforce housing, and home ownership opportunities in the District.	Partially Implemented
5	Remove law enforcement officers and special police from regular contact with schools.	Partially Implemented
6	Invest in additional school-based behavioral health professionals and programs to build and maintain school safety.	Partially Implemented
7	Continue training D.C.’s educators on social-emotional learning and transformative justice approaches to safety and accountability in schools.	Partially Implemented
8	Increase use of the Community Response Team (CRT) in response to incidents in which a person is likely to want or need a behavioral health intervention.	Substantially Implemented
11	Expand the use of violence interrupters.	Partially Implemented
13	Use participatory budgeting to give residents direct control over a portion of the District’s budget for community investments.	Not Implemented

² Note that all recommendation numbers were drawn from the original Phase II report. Because not all recommendations were reviewed for this report (and were removed from the charts), the numbers may not be in consecutive order.

Section 2 – Law Enforcement Contact

#	Recommendation Text	Implementation Status
1	Limit traffic stops to circumstances in which there is a risk to public safety by transferring civil traffic enforcement from MPD to D.C. Department of Transportation (DDOT) and requiring the use of a mail summons for violations that do not pose immediate danger.	Not Implemented
2	Increase pre-arrest diversions from MPD to Community Response Team (CRT).	Partially Implemented
3	Conduct a thorough review of the D.C. criminal code to decriminalize certain offenses, converting them to civil offenses where enforcement is still desired	Substantially Implemented
4	Permanently codify the D.C. Council’s Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020 with amendments to further limit consent searches.	Partially Implemented
5	Limit “Terry Stops,” and “protective pat down” or “frisk” searches in alignment with the restrictions set by the consent decree governing the Newark Police Department.	Not Implemented
6	Increase information recorded and analyzed by MPD about the type of encounters officers have with the public, without requiring identification be produced, consistent with the National Police Foundation’s recommendations.	Substantially Implemented
7	Create a private right of action for inappropriate searches and seizures by making violations a matter of civil enforcement.	Not Implemented
8	Make de-escalation by MPD officers mandatory, with documentation of de-escalation efforts required, and consequences if de-escalation is not appropriately used.	Partially Implemented
9	Review the District’s “Cooperative Agreements” with 32 federal law enforcement agencies and modify the agreements to restrict the footprint of federal agencies to the greatest extent permitted by law and to protect First Amendment rights.	Not Implemented
10	Continue to train MPD officers on interacting with people with disabilities, including mental illnesses, substance use disorders, autism, and intellectual and developmental disabilities; people who are deaf and/or hard of hearing; and people for whom English is not their first language.	Partially Implemented
11	Maintain the COVID-19 responsive changes to MPD’s citation release and field arrest orders at least through the end of the public health emergency, then conduct a qualitative and quantitative evaluation of the outcomes of the changes within six months of the Mayor’s Order ending the public health emergency, and make further recommendations based upon what is learned.	Partially Implemented
12	The D.C. Code should be amended to require that any special police officer who has the authority to carry a weapon or make an arrest comply with all MPD regulations; receive pre-service and in-service training comparable to MPD; be subjected to MPD internal affairs and	Not Implemented

	civilian oversight; and provide periodic public reporting on arrests, uses of force, stops, and searches.	
--	---	--

Section 3 – Charging

#	Recommendation Text	Implementation Status
1	Establish a 24/7 pre-arrest charging decision hotline within the U.S. Attorney’s Office for the District of Columbia (USAO-DC) based on the Harris County model.	Not Implemented
2	Consider comprehensive amendments to the D.C. Code to narrow the definitions of “dangerous” crime and “crime of violence.”	Partially Implemented
3	Raise the age of juvenile jurisdiction to 21 and eliminate the waiver of youth into adult court.	Not Implemented

Section 4 – Pretrial Release

#	Recommendation Text	Implementation Status
1	The Pretrial Services Agency for the District of Columbia (PSA) should continue to regularly revalidate its Risk Assessment Instrument, paying particular attention to racial biases, and publicly share the process and results.	Partially Implemented
2	PSA should publicly share the results of its scheduled assessment of supervision protocols, including any changes made to the mode and frequency of reporting conditions to ensure use of the least restrictive conditions to supervise defendants.	Partially Implemented
3	Codify PSA’s existing policy of prohibiting use of two-way live voice and audio recording capabilities on GPS monitors, unless the defendant explicitly consents to the use of the technology and ban audio recordings from GPS monitors from being introduced as evidence in court.	Not Implemented
4	Consistently provide victims notice of pretrial release hearings, pursuant to the Crime Victims’ Bill of Rights, and the court should make reasonable efforts to hear from victims, if any, during the pretrial release assessment.	Other – Unable to Score
5	Prohibit the drug testing of people who have been arrested while in lock-up, allowing initial testing only after charges have been filed and the defendant has had the opportunity to consult with counsel.	Not Implemented
6	Require, by statute, that to impose any condition of pretrial release (including drug testing and GPS monitoring), a judge must find that the defendant’s compliance with that condition will make them less likely to commit a new crime, less likely to violate a stay away order, or more likely to appear in court.	Not Implemented

7	Invest in community-based resources to support people released pretrial and train Superior Court judges, prosecutors, defense attorneys, and PSA on the effective use of these resources.	Partially Implemented
8	Amend D.C. law to require that judges expressly consider the potential adverse effect of detention on the defendant's dependents; parental rights; employment; housing; mental health; physical health; public benefits; immigration status; and any other adverse impact of the person's detention.	Not Implemented
9	Repeal the rebuttable presumption of pretrial incarceration for certain people, instead requiring individual determinations in all cases.	Not Implemented
10	Amend D.C. law to ensure that the pretrial detention of people who are believed to be "an addict" is used exclusively to facilitate bed-to-bed transfers from detention to substance use disorder (SUD) treatment.	Not Implemented
11	Amend D.C. law to prohibit prosecution for contempt of court for a violation of a condition of pretrial release, except when that condition is a stay away or no contact order.	Not Implemented

Section 5 – Case Processing

#	Recommendation Text	Implementation Status
1	Open eligibility to Superior Court problem solving dockets to all defendants facing misdemeanor and low-level felony charges. Individual determinations about participation should be retained by the judge, based on consideration of the defendant's current charge, history of substance use, mental health diagnosis, need for social service supports, criminal record, other active charges or supervised release; and age.	Not Implemented
2	Transfers to a Superior Court problem solving docket should be made by deferred prosecution agreement (DPA), with limited exceptions, in which case a deferred sentencing agreement (DSA) or amended sentencing agreement (ASA) may be used.	Other – Unable to Score
3	Create a Young Adult problem solving docket for people up to age 25, including those charged with felonies, to participate in community-based programming as an alternative to incarceration.	Not Implemented
4	Revise Superior Court rules to institute a standard <i>Brady</i> colloquy, in which judges question prosecutors on the record about disclosure obligations.	Not Implemented
5	Allow defendants to waive their right to appear in certain misdemeanor court proceedings letting an attorney appear in the defendant's place.	Not Implemented
6	Redesign the summons ticket to focus on the defendant's court date and location, and the consequence for not appearing.	Not Implemented
7	Create a text notification system to send automated court date reminders to defendants.	Not Implemented
8	Superior Court should organize Safe Surrender days at least twice a year.	Partially Implemented

Section 6 – Disposition and Sentencing

#	Recommendation Text	Implementation Status
1	Repeal all statutory and mandatory minimums.	Partially Implemented
2	Amend laws regarding drug free zones to shrink the zone to 30 feet and reduce the sentencing enhancement.	Not Implemented
3	Amend laws regarding gun free zones to shrink the zone to 30 feet and reduce the sentencing enhancement.	Not Implemented
4	Pass the Racial Equity Receives Real Change (REACH) Act with an amendment requiring D.C. Council to conduct a racial impact analysis on any future bill impacting arrests, pretrial detention, criminal procedure, sentencing, corrections, and all forms of supervision.	Fully Implemented

Section 7 – Facilities

#	Recommendation Text	Implementation Status
1	Reduce D.C.'s total pre-COVID-19 incarcerated population of approximately 5,800 people (1,800 at DOC and 4,000 at BOP) by one-third to one-half by FY30.	Partially Implemented
2	Build a new non-traditional facility to house all people who must be detained pretrial for community safety and all people who are sentenced to incarceration, including those sentenced for felony convictions.	Partially Implemented
3	Relax eligibility requirements for DOC residents to qualify for work release and increase the number of residents transferred to a halfway house or home confinement for participation.	Partially Implemented
4	As soon as space permits, transfer people serving felony convictions in BOP facilities back to DOC custody, prioritizing those who: are within two years of release; are housed on a dedicated medical unit; have minor children; have passed their initial parole eligibility date; are eligible for Second Look Amendment Act resentencing; are eligible for special education services under the Intellectual Disabilities Education Act; and/or have been diagnosed with a serious mental illness, intellectual or developmental disabilities, or a traumatic brain injury.	Other – Unable to Score
5	Prioritize quick and safe approval of the raze application and all other permits required for CORE D.C. to open its new halfway house facility at 3701 Benning Rd NE.	Partially Implemented
6	CORE D.C. should negotiate Memorandums of Understanding (MOU) with community-based organizations, supporting access to resources and supports for its halfway house residents while in the new facility and on home confinement.	Not Implemented

7	CORE D.C. should negotiate a Community Benefits Agreement (CBA) with ANC 7F and other organizations based in the neighborhood surrounding a new halfway house to support cooperation with nearby residents and address community safety concerns.	Not Implemented
---	---	------------------------

Section 8 – Release from Incarceration

#	Recommendation Text	Implementation Status
1	Amend D.C.’s Second Look Amendment Act to allow any person who has served at least ten (10) years in prison to petition for resentencing and require D.C. Superior Court to review sentences of any person who has served at least 20 years.	Not Implemented
2	Make all reasonable efforts to provide accurate and timely notice of Superior Court hearings and release decisions to victims under D.C.’s Crime Victims’ Bill of Rights.	Other – Unable to Score
3	Permanently codify COVID-19 responsive changes to D.C.’s misdemeanor and felony Good Time law and policy.	Substantially Implemented
4	Amend D.C.’s Educational Time law so that all people are eligible for Educational Time credits, regardless of their date of sentencing.	Not Implemented
5	Permanently codify expansions to eligibility requirements under D.C.’s Compassionate Release statute.	Fully Implemented
6	D.C.’s Clemency Board should begin accepting and processing applications, and making recommendations for commutations and pardons to the President of the United States.	Substantially Implemented

Section 9 – Parole, Probation, Supervised Release

#	Recommendation Text	Implementation Status
1	Set a maximum probation period of one year for a misdemeanor offense and two years for a felony offense.	Not Implemented
2	Set a maximum supervised release period of two years.	Not Implemented
3	Establish earned discharge credits, which decrease any term of probation, parole, or supervised release by 30 days for each month a probationer is substantially compliant with conditions.	Not Implemented
4	CSOSA should assess its supervision protocols and institute changes to the mode and frequency of reporting conditions based upon successful alternative supervision methods.	Other – Unable to Score
5	CSOSA should use a needs-based model, connecting supervisees to required resources to prevent alleged violations.	Other – Unable to Score
6	Raise the evidentiary standard at parole and supervised release revocation hearings on alleged violations of release to “clear and convincing.”	Not Implemented

7	Prohibit revocations of parole and supervised release based solely upon new criminal charges that have not reached a disposition of guilty.	Not Implemented
8	Prohibit revocations of release in response to the first finding of a technical violation, unless the releasee is in loss of contact status or has allegedly violated sex offense related conditions or a stay away/protective order.	Not Implemented
9	Use non-custodial summonses rather than arrest warrants for all alleged technical violations, except loss of contact, sex offense related conditions, and stay away/protective orders.	Not Implemented
10	Building on a robust stakeholder and community engagement process, the District should establish a mechanism for parole grants and parole and supervised release revocations that will process cases beginning not later than November 1, 2022. That mechanism must: a) reduce incarceration consistent with public safety, b) strengthen due process and other protections for people seeking a grant or facing revocation, and c) ensure local control, transparency, and accountability over process and decisions.	Partially Implemented

Section 10 - Reentry

#	Recommendation Text	Implementation Status
1	Pass omnibus criminal record sealing and expungement legislation.	Substantially Implemented
2	Expand entrepreneurship programming for returning citizens.	Partially Implemented
3	Expand peer support and mentoring opportunities for returning citizens at community-based organizations.	Other - Unable to Score
4	Increase the D.C. Office of Victim Services and Justice Grants (OVSJG) justice grants funding to support community-based reentry services.	Partially Implemented
5	Expand the use of the housing-first model among reentry housing providers.	Partially Implemented
6	Ensure immediate connections to high-quality behavioral health services upon release from incarceration.	Partially Implemented

Conclusion and Acknowledgements

The Task Force hopes that this report will prove a useful accountability tool for District leaders, agencies, and community stakeholders to assess D.C.'s progress thus far in overhauling its approach to justice and incarceration. The Task Force remains committed to working collaboratively with residents of the District and all stakeholders to build on the progress already made, and to push for the changes that remain partially or not implemented. Together, we can ensure D.C. takes the necessary steps to achieve a humane, equitable approach to criminal justice that prioritizes prevention and care and reimagines accountability through a rehabilitative lens to create safe and thriving communities.

We want to thank everyone whose work and dedication contributed to this report starting with the *pro bono* team at Wiley Rein LLP for their thorough analysis and assistance with this report: Hannah Bingham, Theodore (Ted) Howard, Elizabeth (Liz) Lee, and Hannah Miller. We thank the Task Force members and advisors who reviewed our analysis and offered input (see full list below), and the many District agency officials and community stakeholders who provided detailed feedback. We also want to acknowledge the contributions of Nassim Moshiree, an independent consultant and subject matter expert who helped spearhead the completion of this report. Finally, we thank the Council for Court Excellence staff who managed the process, provided subject matter expertise, researched, and reviewed this report: Casey Anderson, Lucas Fox, Anya Kreider, Elisa Ortiz, and Misty Thomas.

Members of the District Task Force on Jails & Justice

Chair: **Shelley Broderick**, Dean Emerita,
UDC David A. Clarke School of Law

Hon. Brooke Pinto, D.C. Council Member,
Chair of Committee on the Judiciary &
Public Safety

Will Avila, Founder, Clean Decisions and
Changing Perceptions

David Bailey, Returning Citizen Advocate

Thomas N. Faust, Director, Department of
Corrections

Heather N. Pinckney, Director, Public
Defender Services

Marcus Bullock, CEO, Flikshop

Leslie Cooper, Director, Pretrial Services
Agency

Rev. Graylan Scott Hagler, Senior Minister,
Plymouth Congregational United Church of
Christ

Tyrone Hall, Returning Citizen Advocate

Indira Henard, Executive Director, D.C. Rape
Crisis Center

Tyrell Holcomb, Chairman, Advisory
Neighborhood Commission 7F

Cpl. Arnold E. Hudson, Sr., Vice-Chairman,
FOP D.C. Department of Corrections

Lindsey Appiah, Deputy Mayor for Public
Safety and Justice

Dr. Bahiyah Muhammad, Assistant
Professor, Howard University

Hon. Brian L. Schwalb, Attorney General of
the District of Columbia

Bruce Reid, Coordinator of Mental Health
Services and Substance Abuse Liaison, Unity
Health Care

Christy Respress, Executive Director,
Pathways to Housing D.C.

Tammy Seltzer, Director, D.C. Jail and Prison
Advocacy Project at Disability Rights D.C.

Hon. Matthew Graves, United States
Attorney for the District of Columbia

Jonathan Smith, Senior Special Counsel for
Criminal Legal System Reform, Washington
Lawyers' Committee for Civil Rights and
Urban Affairs

Courtney Stewart, Chairman, National
Reentry Network for Returning Citizens

Patrice Sulton, Executive Director, D.C.
Justice Lab

Paula Thompson, Co-Chair, D.C. Reentry
Action Network

Tyrone Walker, Georgetown University

Advisors of the District Task Force on Jails & Justice

Jon Bouker, Partner, Arent Fox LLP, Co-Chair, Committee on Local Control

Brian Campbell, Senior Policy Advisor, D.C. Department of Human Services

Lamont Carey, Director, D.C. Mayor's Office of Returning Citizens Affairs

Sarah Comeau, Director of Programs & Co-Founder, School Justice Project

Caroline Cragin, Executive Director, Community Mediation DC

Samantha Paige Davis, Executive Director, Black Swan Academy

Rashida Edmonson, Chief, Parole Division, Public Defender Service for the District of Columbia

Dr. David Freeman, Chief Clinical Officer, Community Connections

Aliyah Graves-Brown, Program Coordinator, Prisons and Justice Initiative, Georgetown University

Emily Gunston, First Assistant Attorney General, Office of the Attorney General for the District of Columbia

Anthony Hall, LICSW, Director, Community Response Team, D.C. Department of Behavioral Health

Cedric R. Hendricks, Associate Director, Office of Legislative, Intergovernmental & Public Affairs, Court Services and Offender Supervision Agency

Monica Hopkins, Executive Director, ACLU of the District of Columbia

Donald L. Isaac, Sr., Executive Director, D.C. Corrections Information Council

Hon. Peter Krauthamer, Associate Judge, Superior Court of the District of Columbia

Isa Mirza, Co-Chair, DC Reentry Task Force

Olinda Moyd, Distinguished Professor in Residence, Director, Re-Entry Clinic, American University

Kelly O'Meara, Executive Director, Strategic Change Division, Metropolitan Police Department

Chiquisha Robinson, Deputy Chief, Prisoner & Reentry Legal Services, Public Defender Service for the District of Columbia

Penelope J. Spain, CEO, Open City Advocates

Tamika Spellman, Policy & Advocacy Associate, HIPS

Blaine Stum, Legislative Policy Advisor, Office of D.C. Council Chair Phil Mendelson

Bridgette Stumpf, Executive Director, Network for Victim Recovery of DC

John Sturc, Civic Director, Council for Court Excellence

Elana Suttenberg, Special Counsel to the U.S. Attorney for Legislative Affairs, United States Attorney's Office for the District of Columbia

Chad Tillbrook, Director, Forensic Services Division, D.C. Department of Behavioral Health

Emily Voshell, Counsel, KaiserDillon, PLLC

Appendix

This appendix contains the full list of all recommendations and recommendation steps evaluated as a part of this report, separated into 10 sections. These recommendations come from the original District Task Force on Jails & Justice Phase II report, [Jails & Justice: Our Transformation Starts Today](#). Note that any recommendations (or steps of recommendations) intended to be implemented in FY23 or later have been removed from the charts and not counted as part of the scoring process. Additionally, some recommendations and steps were duplicated across sections; duplicates have been removed from certain sections and not counted as part of the scoring process for that section. For a full list of recommendations, please refer to the Phase II report.

SECTION 1: COMMUNITY INVESTMENTS TO PREVENT LAW ENFORCEMENT CONTACT

<p>Recommendation 1: Substantially Implemented (55%, 11 points)</p>	<p>Divest from D.C. Metropolitan Police Department (MPD), specifically targeting cuts to budgets for crowd control supplies, military style equipment, eliminating the School Safety Division, and reducing the number of patrol officers by 25%, and invest those funds into initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration.</p>	
<p>Step 1.1: The D.C. Council should institute budget reductions up to \$120 million per year over the next five Fiscal Years (FY22 - FY26) to gradually reduce MPD’s patrol officers by 25%, reduce crowd control supply funding, and eliminate funding for military style equipment.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: The approved FY22 Operating Budget for MPD was \$516.8 million, down from \$545.7 million approved for FY21. This reduction was mostly due to attrition of MPD officers, while funding for supplies and equipment increased. See FY22 Agency Budget Chapters – Part 1, at C-133. See also DC Fiscal Policy Institute’s "Visualizing the DC Police Budget". The approved FY23 Operating Budget for MPD was \$526.1 Million.</p> <p>For additional context, MPD’s actual spending is typically greater than its approved budget, mostly due to overtime expenditures. For example, MPD reported that in FY22, it spent \$65.2 million on overtime costs. See MPD FY22 Performance Oversight Responses, page 12. Although the D.C. Council has not expressed an intention to reduce MPD’s patrol officers by 25%, reduce crowd control supply funding, or eliminate funding for military style equipment over the next several fiscal years, members have requested an audit to help inform budgetary and staffing decisions the Council makes about MPD in future budget cycles. As part of the Fiscal Year 2023 Budget Support Act, in June 2022 the D.C. Council passed the “Metropolitan Police Department Budget and Staffing Transparency Emergency Amendment Act of 2022,” to mandate greater transparency of MPD’s staffing and budget practices. See Fiscal Year 2023 Budget Support Act, Subtitle H.</p>

<p>Step 1.2: In FY22, D.C. Council should eliminate DCPS's funding for its MPD contract, saving \$20 million annually.</p>	<p>Status: Substantially Implemented (3 points)</p>	<p>Notes: The D.C. Council did not eliminate funding for MPD's School Safety Division in FY22. However, the Council did pass legislation as part of the FY22 Budget to gradually reduce the number of MPD School Resource Officers (SROs) in DCPS and public charter schools beginning on July 1, 2022, and to decrease funding for SROs, with the goal to sunset MPD's School Safety Division by July 1, 2025. See Fiscal Year 2022 Budget Support Act of 2021, B24-285, page 78. The Council reaffirmed this commitment in the FY23 budget, and the phase-out is current law. See DC Code § 5-132.02(e).</p>
<p>Step 1.3: By the end of 2021, D.C. Council should amend D.C. Code §5-101.04(f) to eliminate the requirement for 3,800 MPD officers.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: The D.C. Council has not amended the D.C. Code to eliminate the requirement for 3,800 MPD officers. See D.C. Code §5-101.04(f).</p>
<p>Step 1.4: By the end of FY21, MPD should revise General Order 310.08 to disband its School Safety Division.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: MPD has not revised General Order 310.08 to disband its School Safety Division. See MPD General Order 310.08, effective August 26, 2022. See notes for Step 1.2.</p>
<p>Step 1.5: By the end of FY21, DCPS should terminate its school security contract with MPD.</p>	<p>Status: Fully Implemented (4 points)</p>	<p>Notes: The D.C. Council ended MPD's management of DCPS's school security contract in an amendment to the FY21 Budget and shifted control over the \$22.7 million school security contract to DCPS. See Fiscal Year 2021 Budget Support Act of 2020, Title IV, Subtitle K "DCPS Authority for School Security Amendment Act of 2020."</p> <p>MPD's contract for "Security Services for DCPS" (Contract # CW52393) expired on July 8, 2021, and was not renewed. See Office of Contracting & Procurement, "Search Contracts."</p>
<p>Recommendation 2: Not Implemented (25%, 1 point)</p>	<p>Engage residents of public housing in a consultative process to design interventions to increase public safety through non-law enforcement strategies.</p>	
<p>Step 2.1: In FY22, DCHA should plan and execute a community engagement process to design non-law enforcement safety interventions in public housing.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: Based on publicly available information, DCHA did not plan or execute any community engagement process to design non-law enforcement safety interventions in public housing.</p>
<p>Recommendation 3: Not Implemented (25%, 1 point)</p>	<p>Reduce the number of correctional officers employed by the D.C. Department of Corrections (DOC), as fewer people are incarcerated and DOC uses the direct supervision model more with the closure of the Central</p>	

	Detention Facility (CDF). Reinvest those funds into initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration.	
Step 3.1: In FY22-26, as DOC’s average daily population decreases, D.C. Council should shrink the budget accordingly for correctional officers and DOC should shrink its correctional officer staff. The correctional officer budget should be revisited in FY27 and FY30 with the opening of the new buildings.	Status: Not Implemented (1 point)	Notes: It does not appear that DC reduced the budget for DOC or correctional officers in FY22 or FY23. See FY2023 Approved Budget and Financial Plan , Volume 2, C-23.
Recommendation 4: Partially Implemented (50%, 6 points)	Create additional affordable housing, workforce housing, and home ownership opportunities in the District.	
Step 4.1: From FY22 on, the D.C. Council should allocate additional, recurring funding to D.C. agencies to operate or contract with community-based organizations to administer and sustain a housing pilot for special returning citizen populations, with particular consideration to Incarceration Reeducation Amendment Act (IRAA) recipients and emerging adults.	Status: Partially Implemented (2 points)	Notes: D.C. allocated grant funding through the Office of Victims Services and Justice Grants in FY21 for a reentry housing pilot which received additional funding in FY22 and FY23. In the District’s FY23 Budget, the Council allocated \$1.7 million to continue the Reentry Housing Pilot and provided \$586K to provide tenant vouchers to 20 returning citizens. See Fiscal Year 2023 Budget and Financial Plan . In its 2023 Performance Oversight responses, OVSGJ reports that in FY22, it funded four community service organizations to provide reentry housing to men and women; forty-six clients received housing and wrap-around services. See OVSGJ Responses to Performance Oversight Questions for FY22 , page 14. However, it does not appear that the funding allocated was recurring or that there was particular consideration to IRAA recipients and emerging adults.
Step 4.2: From FY22 on, the D.C. Council should allocate additional, recurring funding to the Housing Production Trust Fund, the Community Land Trust, or an outside developer to build, purchase, or renovate an affordable housing or	Status: Partially Implemented (2 points)	Notes: The D.C. Council allocated additional funding to the Housing Production Trust Fund (\$250M) and the Douglass Community Land Trust (\$2M) in FY22, thanks in part to an infusion of federal dollars from the American Rescue Plan (ARP). This funding does not appear to be recurring however, and it isn’t specifically dedicated to build, purchase, or renovate an affordable housing or mixed population housing complex. See “Federal Dollars and Modest Tax Increase Enable Unprecedented Investment in

mixed population housing complex.		Affordable Housing ,” DC Fiscal Policy Institute, October 2021.
Step 4.3: From FY22 on, the D.C. Council should allocate additional, recurring funding for locally-funded housing vouchers and allocate both locally-funded and federally-funded housing vouchers for development projects.	Status: Partially Implemented (2 points)	Notes: The D.C. Council did allocate additional funding for locally-funded housing vouchers in the FY22 budget, including both tenant vouchers and project sponsored funding for development projects. However, funding does not appear to be recurring. See Fiscal Year 2023 Approved Operating Budget , Chapter 1, B-36. See also “ Federal Dollars and Modest Tax Increase Enable Unprecedented Investment in Affordable Housing ,” DC Fiscal Policy Institute, October 2021.
Recommendation 5: Partially Implemented (38%, 3 points)	Remove law enforcement officers and special police from regular contact with schools.	
Step 5.1: By the end of FY21, DCPS terminates its contract with MPD.	Status: Partially Implemented (2 points)	Notes: The D.C. Council ended MPD’s management of DCPS’s school security contract in an amendment to the FY21 Budget, shifting oversight and control of the school security contract to DCPS. See Fiscal Year 2021 Budget Support Act of 2020 , Title IV, Subtitle K, “DCPS Authority for School Security Amendment Act of 2020.” MPD’s contract for “Security Services for DCPS” (Contract # CW52393) expired on July 8, 2021, and was not renewed. However, this shift in control of the contract did not end the presence of special police from DC Public Schools.
Step 5.2: Beginning in FY22, DCPS reallocates funding from those contracts to non-punitive public health approaches to school safety	Status: Not Implemented (1 point)	Notes: DCPS has not reallocated funding for special police to non-punitive public health approaches to school safety.
Recommendation 6: Partially Implemented (50%, 4 points)	Invest in additional school-based behavioral health professionals and programs to build and maintain school safety.	
Step 6.1: D.C. Council should increase in DCPS’ budget to hire school-based behavioral health professionals and non-law enforcement school safety specialists each year between FY22 and FY24.	Status: Partially Implemented (2 points)	Notes: The D.C. Council increased investments in school-based behavioral health in the District’s FY22 budget. In FY22, the Council funded expansion of the School Based Behavioral Health Program (SBBH), ensuring funding for all DCPS and public charter schools to have at least one full-time behavioral health clinician. See Fiscal Year 2022 Local Budget Act of 2021 , B24-275. Also SBBH One-Pager , Children’s Law Center .
Step 6.2: Beginning in FY22, DCPS should build stable, recurring contract partnerships with	Status: Partially Implemented	Notes: DCPS has built some contractual partnerships with community-based organizations that facilitate programs focused on building and maintaining school safety. See DCPS Testimony on School Security in the District of

community-based organizations that facilitate programs that build and maintain school safety, including transformative and restorative justice, violence interruption, or mentorship.	(2 points)	Columbia Public and Public Charter Schools , November 9, 2021.
Recommendation 7: Partially Implemented (50%, 2 points)	Continue training D.C.’s educators on social-emotional learning and transformative justice approaches to safety and accountability in schools.	
Step 7.1: Beginning in FY22, the D.C. Council should approve recurring funding in the DCPS’ budget for social-emotional learning, trauma-informed approaches, and transformative justice training opportunities for educators.	Status: Partially Implemented (2 points)	Notes: The D.C. Council increased the budget for the DCPS Office of Social, Emotional, and Academic Development in the FY22 budget. See Office of the Chief Financial Officer, 2022 GAO District of Columbia Public Schools (“Tables” at 2). It does not appear that this funding was recurring.
Recommendation 8: Substantially Implemented (75%, 6 points)	Increase use of the Community Response Team (CRT) in response to incidents in which a person is likely to want or need a behavioral health intervention.	
Step 8.1: The D.C. Council should allocate funds to the Office of Unified Communications (OUC) in FY22 to develop and test a more advanced screening system for calls for service to 911, 311, and D.C. Department of Behavioral Health (DBH)’s hotline.	Status: Substantially Implemented (3 points)	Notes: The District’s approved FY22 budget did include enhanced funding to support and improve 911 and 311 services, as well as \$167k to support the Department of Behavioral Health’s Call Diversion Program. Fiscal Year 2022 Approved Annual Budget , Agency Chapter 1, C-220.
Step 8.3: In FY22, OUC should develop and test a screening system to dispatch CRT directly to calls for service, independently or in conjunction with FEMS or	Status: Substantially Implemented (3 points)	In its 2023 Performance Oversight Response for Fiscal Year 2022, OUC reports it received a grant award from The Harvard Kennedy School of Government “alongside the Department of Behavioral Health for the mental health diversion program between OUC and the DBH Access Help Line and Community Response Team initiative. This initiative officially kicked off in September 2022 and will remain active for one (1) calendar year. There was no

MPD, depending on need.		funding needed to secure this grant and to date the team has seen progress in developing initiatives to be implemented to increase the volume of calls being transferred to the Access Help Line and away from the Metropolitan Police Department dispatch.” See OUC Responses to Performance Oversight Questions .
Recommendation 11: Partially Implemented (50%, 4 points)	Expand the use of violence interrupters.	
Step 11.1: In FY22, D.C. Council should allocate additional recurring funding for the Office of the Attorney General’s (OAG)’s Cure the Streets program and ONSE’s Violence Intervention Initiative.	Status: Partially Implemented (2 points)	Notes: In FY22, D.C. Council allocated additional, but non-recurring funding for the Office of the Attorney General’s (OAG)’s Cure the Streets program (A-187, A-188) and ONSE’s Violence Intervention Initiative (C-176, C-177), FY22 Approved Budget and Financial Plan, Volume 2 .
Step 11.2: By the end of 2021, each violence interruption program should publicly release its metrics for success and data showing their progress toward achieving them.	Status: Partially Implemented (2 points)	Notes: Cure the Streets has a data dashboard , last updated in November 2022 and ONSE’s Violence Intervention Initiative last updated its publicly available data in November 2021.
Recommendation 13: Not Implemented (25%, 1 points)	Use participatory budgeting to give residents direct control over a portion of the District’s budget for community investments.	
Step 13.1: In FY22, EOM should assign community relations and budget staff to create and implement a participatory budgeting process in D.C.	Status: Not Implemented (1 point)	Notes: EOM has not assigned community relations and budget staff to create and implement a participatory budgeting process in D.C.

SECTION 2: LAW ENFORCEMENT CONTACT

Recommendation 1: Not Implemented (25%, 3 points)	Limit traffic stops to circumstances in which there is a risk to public safety by transferring civil traffic enforcement from MPD to D.C. Department of Transportation (DDOT) and requiring the use of a mail summons for violations that do not pose immediate danger.	
Step 1.1: D.C. Council should amend D.C. law to give DDOT enforcement authority over civil traffic	Status: Not implemented (1 point)	Notes: D.C. Council has not amended D.C. law to give DDOT enforcement authority over civil traffic violations.

violations by October 2022.		
Step 1.3: D.C. Council should amend D.C. law to prohibit MPD from issuing tickets for traffic offenses that do not pose an immediate danger to public safety by October 2022.	Status: Not implemented (1 point)	Notes: D.C. Council did not amend D.C. law to prohibit MPD from issuing tickets for traffic offenses that do not pose an immediate danger to public safety by October 2022.
Step 1.4: D.C. Council should amend D.C. law to require anti-bias and de-escalation training for DDOT employees who will conduct routine traffic stops by October 2022.	Status: Not implemented (1 point)	Notes: D.C. Council did not amend D.C. law to require anti-bias and de-escalation training for DDOT employees who will conduct routine traffic stops by October 2022.
Step 1.5: DDOT should change policies and practices to increase the use of automated policing, such as speed cameras, in place of discretionary policing while ensuring there is no systemic bias, such as biased camera placement; reducing stops and replacing them with mailed notices of infarction; and ensuring rigorous privacy protections, by October 2022.	Status: Other N/A	Notes: Unable to find information on any policies or practices DDOT may have changed in terms of automated policing.
Recommendation 2: Partially Implemented (33%, 4 points)	Increase pre-arrest diversions from MPD to Community Response Team (CRT).	
Step 2.1: MPD and DBH should ramp up CIO and PAD training offerings beginning in 2021.	Status: Partially Implemented (2 points)	Notes: Based on publicly available information, DBH and MPD have expanded the number of MPD officers who receive Crisis Intervention Officer (CIO) training, but there is no evidence that Pre-Arrest Diversion (PAD) trainings exist or have increased. According to DBH’s 2023 performance oversight responses to the D.C. Council (page 7), “DBH provides Crisis Intervention Officer (CIO) training to MPD and, in FY 2022,

		<p>DBH began providing Mental Health First Aid for First Responders (MHFA). By the end of the 2023 training season, all MPD officers will have had either CIO or MHFA training.”</p> <p>According to MPD’s 2023 performance oversight responses to the D.C. Council (page 28), DBH is no longer supporting a PAD program.</p>
<p>Step 2.2: MPD and DBH should facilitate ongoing opportunities for officer feedback on CIO and PAD training, policies, procedures, and practices beginning in 2021.</p>	<p>Status: Other (N/A)</p>	<p>Notes: Based on publicly available information and response from MPD, it is unclear whether MPD and DBH facilitated ongoing opportunities for officer feedback on CIO and PAD training, policies, procedures, and practices beginning in 2021.</p>
<p>Step 2.3: MPD should modify General Order 502.04 to expand the PAD eligibility criteria to allow more individuals to be diverted in 2021.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: MPD General Order 502.04 has not been amended since April 24, 2018.</p>
<p>Step 2.4: DBH should ensure that external stakeholders directly advise the CRT, using a transparent process for receiving and responding to feedback, beginning in 2021.</p>	<p>Status: Other (N/A)</p>	<p>Notes: Based on publicly available information, it is unclear whether DBH has implemented a transparent process by which external stakeholders directly advise the CRT.</p>
<p>Step 2.5: DBH should begin contracting with non-uniformed, non-District employees from community-based organizations to make initial contact with individuals through CRT in FY22.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: Based on publicly available information, there is no evidence that DBH has contracted with non-uniformed, non-District employees from community-based organizations to make initial contact with individuals through CRT in FY22.</p>
<p>Step 2.6: DBH and MPD should collaborate with external stakeholders to establish and publish a clear set of programmatic goals for CRT, including measures of success for improved</p>	<p>Status: Other (N/A)</p>	<p>Notes: Based on publicly available information, it is unclear whether DBH and MPD collaborated with external stakeholders to establish and publish a clear set of programmatic goals for CRT, including measures of success for improved health outcomes, reduced justice involvement, and increased rates of housing in 2021.</p>

health outcomes, reduced justice involvement, and increased rates of housing in 2021.		
Recommendation 3: Substantially Implemented (66%, 9 points)	Conduct a thorough review of the D.C. criminal code to decriminalize certain offenses, converting them to civil offenses where enforcement is still desired.	
Step 3.1: D.C.’s Criminal Code Reform Commission (CCRC) should make recommendations to the D.C. Council for decriminalizing offenses in 2021.	Status: Fully Implemented (4 points)	Notes: Completed. See Criminal Code Reform Commission Recommendations .
Step 3.2: In 2021 and 2022, researchers and policymakers should weigh in on CCRC’s recommendations and develop proposals for converting some decriminalized offenses to civil offenses.	Status: Fully Implemented (4 points)	Notes: Completed. See Criminal Code Reform Commission Recommendations .
Step 3.3: By the end of 2022, D.C. Council should amend the criminal code to decriminalize certain offenses and convert others to civil offenses where enforcement is still desired.	Status: Not Implemented (1 point)	Notes: In November of 2022, the D.C. Council passed the Revised Criminal Code Act of 2021 which to some extent decriminalized specific offenses. See B24-0416 . However, Congress voted to overturn the bill during its congressional review period in March of 2023, and President Biden signed the measure nullifying the law; B24-416 is therefore not D.C. law. For that reason, this step remains not implemented.
Recommendation 4: Partially Implemented (50%, 2 points)	Permanently codify the D.C. Council’s Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020 with amendments to further limit consent searches.	
Step 4.1: By the end of 2020, D.C. Council should pass a permanent law codifying the emergency provisions and requiring MPD to obtain approval from a supervising officer before performing a consent search.	Status: Partially Implemented (2 points)	Notes: The D.C. Council passed the Comprehensive Policing and Justice Amendment Act of 2021 in December 2022. This legislation permanently codified emergency provisions of its earlier versions and placed limitations on consent searches including by requiring officers to affirmatively communicate to civilians their right to deny consent. However, the legislation does not require MPD officers to obtain approval from a supervising officer before

		performing a consent search. See B24-320 , Subtitle F, pg.19.
Recommendation 5: Not Implemented (25%, 1 points)	Limit “Terry Stops,” and “protective pat down” or “frisk” searches in alignment with the restrictions set by the consent decree governing the Newark Police Department.	
Step 5.1: By the end of 2021, MPD should modify its General Order 304.10, governing Field Contacts, Stops, and Protective Pat Downs, to adopt provisions from the Newark Police Department consent decree...(see page 38 in the Phase II report for what would be prohibited)	Status: Not implemented (1 point)	Notes: MPD General Order 304.10 has not been amended to adopt provisions from the Newark Police Department consent decree. See MPD General Order 304.10 .
Recommendation 6: Substantially Implemented (75%, 3 points)	Increase information recorded and analyzed by MPD about the type of encounters officers have with the public, without requiring identification be produced, consistent with the National Police Foundation’s recommendations.	
Step 6.1: By the end of 2021, MPD should modify General Order 304.10 to increase information about the type of encounters officers have with the public, without requiring identification to be produced, consistent with the National Police Foundation’s recommendations.	Status: Substantially Implemented (3 points)	Notes: See EO-21-017 , amending General Order 304.10, which still requires MPD officers to gather demographic information on stops but no longer requires officers to conduct a direct inquiry of the individual or require identification to be produced in order to gather and record that demographic information.
Recommendation 7: Not Implemented (25%, 1 point)	Create a private right of action for inappropriate searches and seizures by making violations a matter of civil enforcement.	
Step 7.1: D.C. Council should pass legislation to create a private right of action for inappropriate searches and seizures by the end of 2022.	Status: Not Implemented (1 point)	Notes: The DC Council did not pass legislation to create a private right of action for inappropriate searches and seizures by the end of 2022.
Recommendation 8: Partially Implemented (50%, 4 points)	Make de-escalation by MPD officers mandatory, with documentation of de-escalation efforts required, and consequences if de-escalation is not appropriately used.	

<p>Step 8.1: By the end of 2021, MPD should amend General Order 901.07, Use of Force, to make de-escalation by officers mandatory in most situations, with documentation of de-escalation efforts, and disciplinary consequences if de-escalation is not appropriately used. Internal Affairs and the Office of Police Complaints should both have investigatory power.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: General Order 901.07 was amended to make de-escalation mandatory in most situations and does include reporting requirements. See GO 901.07. However, General Order 901.07 does not yet reflect updated law on MPD use of force as passed in December 2022 by the D.C. Council which places additional limitations, reporting requirements, and investigative procedures following incidents of use of force. See B24-320 “Comprehensive Policing and Justice Amendment Act of 2021.”</p>
<p>Step 8.2: By the first quarter of 2022, MPD should re-train all officers in alignment with the new de-escalation policy.</p>	<p>Status: Other (N/A)</p>	<p>Notes: Based on publicly available information, it is unclear whether, by the first quarter of 2022, MPD re-trained all officers in alignment with the new de-escalation policy.</p>
<p>Step 8.3: By the end of 2022, D.C.’s Office of Police Complaints should begin releasing annual public reports that include data on all the metrics listed above.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: The DC Office of Police Complaints publishes an annual report on MPD’s Use of Force. However, as MPD policies and procedures have not been fully updated to reflect the metrics that the Task Force has recommended in the above steps, these reports do not include data on the metrics listed above. See Use of Force Reports.</p>
<p>Recommendation 9: Not Implemented (25%, 1 points)</p>	<p>Review the District’s “Cooperative Agreements” with 32 federal law enforcement agencies and modify the agreements to restrict the footprint of federal agencies to the greatest extent permitted by law and to protect First Amendment rights.</p>	
<p>Step 9.1: MPD and the Deputy Mayor for Public Safety and Justice should renegotiate cooperative agreements with each agency by the end of 2022.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: Based on publicly available information, it does not appear that MPD and the Deputy Mayor for Public Safety and Justice renegotiated cooperative agreements with each agency by the end of 2022. See MPD Cooperative Agreements.</p>
<p>Recommendation 10: Partially Implemented (50%, 4 points)</p>	<p>Continue to train MPD officers on interacting with people with disabilities, including mental illnesses, substance use disorders, autism, and intellectual and developmental disabilities; people who are deaf and/or hard of hearing; and people for whom English is not their first language.</p>	

<p>Step 10.1: By the end of 2021, MPD should review and update its training curriculum.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: MPD reports that in December of 2022, the agency hired a civilian Director and Deputy Director of Curriculum Development to develop high quality training for officers.</p>
<p>Step 10.2: By the end of 2022, MPD should require training of all new law enforcement officers.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: DBH provides Crisis Intervention Officer (CIO) training to MPD, and in FY22, began providing Mental Health First Aid for First Responders (MHFA) training to officers. According to MPD's 2023 performance oversight responses to the D.C. Council (pp 70-71), all MPD staff of the rank of Captain and below must complete one of these trainings by the end of 2023. As of March 14, 2023, approximately 27 percent of the force had completed the CIO training and 14 percent the MHFA training.</p> <p>MPD also reports that it offers trainings to its officers on several related issues including cognitive communicative disorders, autism and police interactions, Alzheimer's and dementia, social isolation and mental health among juveniles, and awareness of crisis in families. Its Deaf and Hard Hearing Unit provides trainings to veteran, recruit, and cadet officers, and in October 2020, MPD launched a mobile app that provides a direct link to video American Sign Language interpretation services, providing faster access to service on the smart phone of all members. However, it remains unclear which, if any, of the above trainings are required for all new law enforcement officers.</p>
<p>Recommendation 11: Partially Implemented (44%, 7 points)</p>	<p>Maintain the COVID-19 responsive changes to MPD's citation release and field arrest orders at least through the end of the public health emergency, then conduct a qualitative and quantitative evaluation of the outcomes of the changes within six months of the Mayor's Order ending the public health emergency, and make further recommendations based upon what is learned.</p>	
<p>Step 11.1: MPD should maintain the COVID-19 responsive changes to its General Orders instituted by Executive Order 20-011, Coronavirus 2019 Modification to Citation Release Criteria, through the duration of the public health emergency.</p>	<p>Status: Fully Implemented (4 points)</p>	<p>Notes: MPD maintained the COVID-19 responsive changes to its General Orders instituted by Executive Order 20-011, Coronavirus 2019 Modification to Citation Release Criteria, through the duration of the public health emergency. See MPD General Orders.</p>
<p>Step 11.2: Within six months of the end of the public health emergency, MPD and the Deputy</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: Mayor Bowser issued Order 2021-096 on July 24, 2021 ending the District's public health emergency. Based on publicly available information, it does not appear that, within six months of the end of the public health</p>

<p>Mayor for Public Safety and Justice should conduct a qualitative and quantitative evaluation of the outcomes of the changes to MPD’s citation release and field arrest orders.</p>		<p>emergency, MPD and the Deputy Mayor for Public Safety and Justice conducted a qualitative and quantitative evaluation of the outcomes of the changes to MPD’s citation release and field arrest orders.</p>
<p>Step 11.3: Within one year of the end of the public health emergency, MPD should permanently update its general orders, as needed based on the results of the evaluation.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: Mayor Bowser issued Order 2021-096 on July 24, 2021 ending the District’s public health emergency. Based on publicly available information, it does not appear that, within one year of the end of the public health emergency, MPD permanently updated its general orders in response to an evaluation of changes to its citation release and field arrest orders.</p>
<p>Step 11.4: Within one year of the end of the public health emergency, D.C. Council amend D.C. Code § 23–584, as needed, based on the results of the evaluation.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: D.C. Council has not amended D.C. Code § 23–584 (“Field arrest and release on citation”).</p>
<p>Recommendation 12: Not Implemented (25%, 1 point)</p>	<p>The D.C. Code should be amended to require that any special police officer who has the authority to carry a weapon or make an arrest comply with all MPD regulations; receive pre-service and in-service training comparable to MPD; be subjected to MPD internal affairs and civilian oversight; and provide periodic public reporting on arrests, uses of force, stops, and searches.</p>	
<p>Step 12.1: By the end of 2022, D.C. Council should reintroduce and pass the Special Police Officer Oversight Amendment Act of 2019 to amend D.C. Code § 5–1101 et seq, and amend § 7-2502, § 7-2509, § 22-4505, and § 23-582 as recommended by the DC Justice Lab in its “Disarm Special Police” report.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: This legislation has not been passed.</p>

SECTION 3: CHARGING

<p>Recommendation 1: Not Implemented (25%, 4 points)</p>	<p>Establish a 24/7 pre-arrest charging decision hotline within the U.S. Attorney’s Office for the District of Columbia (USAO-DC) based on the Harris County model.</p>	
<p>Step 1.1: USAO-DC should establish policies and procedures for a new 24/7 pre-arrest charging decision hotline by September 2021.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: No policies or procedures for a new 24/7 pre-arrest charging decision hotline were established by the USAO-DC. For additional context, USAO-DC has shared that it does have procedures in place for when law enforcement officers require after-hours assistance for arrest warrants or search warrants, and in limited situations, for probable cause arrests. In these situations, officers can call the Mayor’s Command Center, which is charged with directing officers to the appropriate USAO supervisory AUSA. USAO-DC also provides law enforcement officers with an after-hours call list designating the appropriate supervisory AUSA to contact depending on whether the law enforcement officer is seeking assistance with a homicide case, sexual assault or child abuse case, gun possession case, domestic violence case, case involving another type of violent crime, or federal case. The law enforcement officer may then consult directly with the supervisory AUSA with subject-matter expertise when needed.</p>
<p>Step 1.2: In FY22, Congress should allocate funding and USAO-DC should begin operating the new hotline.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: No 24/7 pre-arrest charging decision hotline has been established by the USAO-DC, and there are no indications of plans to establish such a hotline. See notes for Step 1.1 above.</p>
<p>Step 1.3: In October 2021, MPD should update general orders as needed to require officers to consult with USAO-DC before making a warrantless arrest.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: General orders have not been updated to require officers to consult with USAO-DC before making warrantless arrests. See General Order 702-01, July 13, 2022.</p>
<p>Step 1.4: In FY22, MPD should re-train all officers to comply with the new orders.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: No new training was undertaken as general orders have not been updated to require officers to consult with USAO-DC before making warrantless arrests. See General Order 702-01, July 13, 2022.</p>
<p>Recommendation 2: Partially Implemented (50%, 2 points)</p>	<p>Consider comprehensive amendments to the D.C. Code to narrow the definitions of “dangerous” crime and “crime of violence.”</p>	
<p>Step 2.1: D.C.’s Criminal Code Revision Commission (CCRC) should make a recommendation about</p>	<p>Status: Substantially Implemented (3 points)</p>	<p>Notes: CCRC recommended a new “Generally Applicable Definitions” code section that includes an updated definition of “crime of violence” but does not redefine “dangerous” crime. See CCRC Recommendations for the Council and Mayor, March 31, 2021, pp. 46-47.</p>

redefining “dangerous” crime and “crime of violence” in the D.C. Code in 2021.		
Step 2.2: D.C. Council should consider the recommendations of CCRC and government and public testimony, then pass a bill to amend the definitions by the end of 2022.	Status: Not Implemented (1 point)	Notes: In November of 2022, the D.C. Council passed the Revised Criminal Code Act of 2021, B24-0416 . However, Congress voted to override the bill during its congressional review period in March of 2023, and B24-416 is therefore not D.C. law. For that reason, this step remains not implemented.
Recommendation 3: Not Implemented (25%, 2 points)	Raise the age of juvenile jurisdiction to 21 and eliminate the waiver of youth into adult court.	
Step 3.1: By the end of 2022, D.C. Council should amend D.C. Code §16-2301 to define a child as a person under 21 years of age.	Status: Not Implemented (1 point)	Notes: D.C. Code § 16-2301 has not been amended to define a child as a person under 21 years of age. For additional context, at the request of the D.C. Attorney General, the D.C. Council did introduce legislation in 2021 to amend D.C. Code §16-2301 to redefine “child” as a person under 18 years of age, but that bill did not advance past the committee stage. See Bill 24-338 , the “Redefinition of Child Amendment Act of 2021.”
Step 3.2: Upon enactment of the new law, D.C. Department of Youth Rehabilitative Services (DYRS) should assume custody of all people detained or adjudicated delinquent and ordered to secure detention who are under the age of 21.	Status: Not Implemented (1 point)	Notes: No new law has been enacted to define a child as a person under 21 years or age. See notes for Step 3.1.

SECTION 4: PRETRIAL RELEASE

Recommendation 1: Partially Implemented (38%, 3 points)	The Pretrial Services Agency for the District of Columbia (PSA) should continue to regularly revalidate its Risk Assessment Instrument, paying particular attention to racial biases, and publicly share the process and results.	
Step 1.1: PSA should revalidate its Risk Assessment Instrument, paying particular attention to racial bias, by the end of FY22.	Status: Not Implemented (1 point)	Notes: PSA’s Risk Assessment Instrument was last revalidated in 2018 and is next scheduled to be revalidated in 2023. See PSA’s Risk Assessment Ensures Fair Administration of Pretrial Justice in the District of Columbia (Feb. 2022).

<p>Step 1.2: PSA should share the revalidation process, results, and any changes made to the Risk Assessment Instrument with the public by the end of FY22.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: PSA requested a specific analysis of the extent to which racial bias exists in PSA’s risk assessment tool. The findings of that analysis were shared with the public in 2022. However, no revalidation is scheduled to take place until 2023. See PSA's Risk Assessment Ensures Fair Administration of Pretrial Justice in the District of Columbia (Feb. 2022).</p>
<p>Recommendation 2: Partially Implemented (50%, 2 points)</p>	<p>PSA should publicly share the results of its scheduled assessment of supervision protocols, including any changes made to the mode and frequency of reporting conditions to ensure use of the least restrictive conditions to supervise defendants.</p>	
<p>Step 2.1: PSA should complete its assessment of supervision protocols, paying particular attention to lessons learned from the COVID-19 public health emergency, by the end of FY22.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: PSA completed a report including five-year trend data in the following areas: key points in business process, success indicators, workforce demographics, and defendant population profile. The report notes trends related to COVID-19 but does not appear to assess or evaluate supervision protocols specifically nor pay particular attention to lessons from the COVID-19 public health emergency. See PSA, Pretrial Justice in the Nation's Capital FY 2017-2021 Trends (Sept. 26, 2022).</p>
<p>Step 2.2: PSA should share the assessment process, results, and any changes made to supervision protocols with the public by the end of FY22.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: PSA publicly shared the five-year trend report from Step 2.1. See PSA, Pretrial Justice in the Nation's Capital FY 2017-2021 Trends (Sept. 26, 2022). PSA has not specifically shared the assessment process, or any changes made to supervision protocols.</p>
<p>Recommendation 3: Not Implemented (25%, 1 point)</p>	<p>Codify PSA’s existing policy of prohibiting use of two-way live voice and audio recording capabilities on GPS monitors, unless the defendant explicitly consents to the use of the technology and ban audio recordings from GPS monitors from being introduced as evidence in court.</p>	
<p>Step 3.1: By the end of 2022, D.C. Council should amend D.C. Code § 24–133(e) to prohibit use of audio recording capabilities and ban audio recordings from GPS monitors from being introduced as evidence in court.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: D.C. Code § 24–133(e) has not been amended to prohibit use of audio recording capabilities and ban audio recordings from GPS monitors from being introduced as evidence in court.</p>
<p>Recommendation 4: N/A (Unable to score)</p>	<p>Consistently provide victims notice of pretrial release hearings, pursuant to the Crime Victims’ Bill of Rights, and the court should make reasonable efforts to hear from victims, if any, during the pretrial release assessment.</p>	
<p>Step 4.1: USAO-DC should make earlier and</p>	<p>Status: Other</p>	<p>Notes: It is unclear if USAO-DC has made <i>earlier</i> and <i>more consistent</i> outreach efforts to victims or if they have</p>

<p>more consistent outreach efforts to victims, pursuant to D.C. Code §23-1901.</p>	<p>(N/A)</p>	<p>updated any of their processes to increase their rate of success in contacting victims.</p> <p>For additional context, USAO-DC responded that they employ a multi-tiered victim engagement process under the federal Crime Victims’ Rights Act, the D.C. Crime Victims’ Bill of Rights, and the federal Victim Rights and Restitution Act. This process includes informing victims of their notice and participatory rights when and if the AUSA who screens a case can make contact with them. After a case is charged and assigned to an AUSA, the assigned AUSA will also ordinarily reach out to the victim to provide them notice of relevant court proceedings and inform them of their right to participate in the proceedings. The most serious cases are assigned to one of their 15 dedicated Superior Court victim advocates who are non-attorney employees of the USAO-DC and provide additional notice and assistance to victims, including by accompanying them to proceedings. The USAO-DC also employs an automated mail-based notification system to send out individualized letters to victims through their Victim Witness Assistance Unit.</p> <p>However, USAO-DC has also communicated to victims’ rights organizations that it continues to experience challenges in reaching victims due to outdated, incomplete, or inaccessible contact information. It is unclear if USAO-DC has updated their processes in terms of keeping victims’ information up to date to improve outreach efforts.</p>
<p>Step 4.2: Once a baseline rate of victim participation is established, the U.S. Attorney’s Office for the District of Columbia (USAO-DC) should work with victims’ rights organizations to develop a targeted strategy to increase timeliness of notice and opportunity.</p>	<p>Status: Other</p> <p>(N/A)</p>	<p>Notes: USAO-DC responded that they have strong relationships with victim advocacy organizations and are amenable to working with them to implement ideas as to how to continue to improve outreach to victims. It is unclear however if USAO-DC has specifically implemented any targeted strategies with victims’ rights organizations to increase timelines of notice and opportunity.</p> <p>USAO-DC also identified that contact information their victim advocates and prosecutors obtain is often outdated, and problems reaching victims are particularly pronounced in cases that involve very old convictions. Looking forward, their office plans to work on ways to improve their internal systems and public awareness of the victim notification systems that are already in place. For example, when victim advocates engage in community events, they now encourage victims in the community to ensure that their contact information in victim notification systems remains updated.</p>

<p>Recommendation 5: Not Implemented (25%, 1 point)</p>	<p>Prohibit the drug testing of people who have been arrested while in lock-up, allowing initial testing only after charges have been filed and the defendant has had the opportunity to consult with counsel.</p>	
<p>Step 5.1: PSA and Superior Court should amend internal policies by the end of 2021 to prohibit lock-up testing and allow drug testing only after charges have been filed and the defendant has had the opportunity to consult with counsel.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: There is no indication that the drug testing policy has been amended. PSA responded that implementation of this recommendation would have to be coordinated by Superior Court in collaboration with USMS, PDS, and CJA. PSA has also stated that it is not opposed to defendants having access to counsel prior to PSA’s drug testing collection, but PSA would have to be allowed sufficient time to conduct risk assessments, which include drug testing, prior to cases being presented in court. Currently, PSA operates under a very tight timeframe to conduct its activities and ensure that the court, prosecutor, and defense receive copies of PSA reports before court hearings take place. Therefore, implementation of this recommendation may require changes to cellblock access times and/or C-10 start times.</p>
<p>Recommendation 6: Not Implemented (25%, 1 point)</p>	<p>Require, by statute, that to impose any condition of pretrial release (including drug testing and GPS monitoring), a judge must find that the defendant’s compliance with that condition will make them less likely to commit a new crime, less likely to violate a stay away order, or more likely to appear in court.</p>	
<p>Step 6.1: By the end of 2022, D.C. Council should amend D.C. Code §23-1322(e) to require a finding that each condition imposed will make a defendant less likely to commit a new crime, less likely to violate a stay away order, or more likely to appear in court.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: D.C. Code §23-1322(e) has not been amended.</p>
<p>Recommendation 7: Partially Implemented (50%, 2 points)</p>	<p>Invest in community-based resources to support people released pretrial and train Superior Court judges, prosecutors, defense attorneys, and PSA on the effective use of these resources.</p>	
<p>Step 7.1: In 2021, Superior Court, USAO-DC, DC OAG, PDS, the Criminal Justice Act (CJA) panel attorneys, and PSA should all host trainings for their employees on the</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: It is unclear whether employee training on community-based programs is hosted by any of the listed agencies for their employees. PSA responded that they routinely remind their defendant engagement personnel about the availability of community-based services and in FY22, published an updated version of the community resource guide for their staff.</p>

<p>availability and effectiveness of community-based programs for people on pretrial release.</p>		<p>USAO-DC responded that AUSAs receive internal training on a regular basis regarding pretrial release conditions and available resources. For example, on a quarterly basis, misdemeanor AUSAs receive training on mental health issues, which includes information about community-based service providers. The D.C. Department of Behavior Health's Urgent Care Clinic recently conducted a training for AUSAs on the community-based resources they offer.</p> <p>PDS responded that staff are trained about the resources available to meet client needs. While no trainings were provided to all staff on the availability and effectiveness of community-based programs in 2021, new staff continued to receive relevant training and PDS staff continued to work to meet clients' needs including, where appropriate, by informing clients of community-based programs for people on pretrial release.</p>
<p>Recommendation 8: Not Implemented (25%, 1 points)</p>	<p>Amend D.C. law to require that judges expressly consider the potential adverse effect of detention on the defendant's dependents; parental rights; employment; housing; mental health; physical health; public benefits; immigration status; and any other adverse impact of the person's detention.</p>	
<p>Step 8.1: By the end of 2022, D.C. Council should amend D.C. Code §23-1322 to require express consideration of the holistic impacts of detention.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: D.C. Code § 23-1322 has not been amended.</p>
<p>Recommendation 9: Not Implemented (25%, 1 point)</p>	<p>Repeal the rebuttable presumption of pretrial incarceration for certain people, instead requiring individual determinations in all cases.</p>	
<p>Step 9.1: By the end of 2022, D.C. Council should amend D.C. Code §23-1322 to repeal the rebuttable presumption of incarceration in any case.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: D.C. Code § 23-1322 has not been amended.</p>
<p>Recommendation 10: Not Implemented (25%, 1 point)</p>	<p>Amend D.C. law to ensure that the pretrial detention of people who are believed to be "an addict" is used exclusively to facilitate bed-to-bed transfers from detention to substance use disorder (SUD) treatment.</p>	
<p>Step 10.1: By the end of 2022, D.C. Council should amend D.C. Code §23-1322 to only cover</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: D.C. Code § 23-1322 has not been amended.</p>

bed-to-bed transfers for SUD treatment.		
Recommendation 11: Not Implemented (25%, 1 point)	Amend D.C. law to prohibit prosecution for contempt of court for a violation of a condition of pretrial release, except when that condition is a stay away or no contact order.	
Step 11.1: By the end of 2022, D.C. Council should amend D.C. Code §23-1329 to prohibit prosecution for contempt of court for violation of a condition of pretrial release, except when that condition is a stay away or no contact order connected to a person. There should be no exception for orders that pertain to a business or geographic area without connection to an individual.	Status: Not Implemented (1 point)	Notes: D.C. Code § 23-1329 has not been amended.

SECTION 5: CASE PROCESSING

Recommendation 1: Not Implemented (25%, 1 point)	Open eligibility to Superior Court problem solving dockets to all defendants facing misdemeanor and low-level felony charges. Individual determinations about participation should be retained by the judge, based on consideration of the defendant's current charge, history of substance use, mental health diagnosis, need for social service supports, criminal record, other active charges, or supervised release; and age.	
Step 1.1: By the end of 2021, Superior Court should issue an administrative order setting new eligibility criteria and factors for making determination about participation.	Status: Not Implemented (1 point)	Notes: Superior Court has not issued an administrative order setting new eligibility criteria and factors for making determination about participation.
Recommendation 2: Other (Unable to score)	Transfers to a Superior Court problem solving docket should be made by deferred prosecution agreement (DPA), with limited exceptions, in which case a deferred sentencing agreement (DSA) or amended sentencing agreement (ASA) may be used.	
Step 2.1: By the end of 2021, Superior Court should issue an	Status: Other (N/A)	Notes: Superior Court has not issued an administrative order requiring DPAs.

<p>administrative order requiring DPAs in most cases, with enumerated exceptions, such as domestic violence cases.</p>		<p>The Court cannot require USAO-DC to give deferred prosecution agreements (DPAs) or deferred sentencing agreements (DSAs). These are decisions that are currently within the power of the USAO-DC and not the court. Therefore, step 2.1 cannot be implemented as originally contemplated without other statutory changes or voluntary agreement by USAO-DC.</p>
<p>Recommendation 3: Not Implemented (25%, 1 point)</p>	<p>Create a Young Adult problem solving docket for people up to age 25, including those charged with felonies, to participate in community-based programming as an alternative to incarceration.</p>	
<p>Step 3.1: By September 2022, Superior Court should issue an administrative order creating a Young Adult problem solving docket based upon the San Francisco model.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: Superior Court has not issued an administrative order creating a Young Adult problem solving docket.</p>
<p>Recommendation 4: Not Implemented (25%, 1 point)</p>	<p>Revise Superior Court rules to institute a standard <i>Brady</i> colloquy, in which judges question prosecutors on the record about disclosure obligations.</p>	
<p>Step 4.1: By the end of 2021, Superior Court should revise its rules of criminal procedure to require judges to issue a standard <i>Brady</i> colloquy during pretrial hearings, and before a defendant enters a guilty plea, enforcing D.C. Professional Rules of Conduct, Rule 3.8, that “any evidence or information that the prosecutor knows or reasonably should know tends to negate the guilt of the accused or to mitigate the offense, or in connection with sentencing, intentionally fail to disclose to the defense upon request any unprivileged mitigating information known to the prosecutor and not</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: Superior Court did not revise its rules of criminal procedure to require judges to issue a <i>Brady</i> colloquy.</p> <p>The Court did pass a new provision, Rule 5(f), in 2022 requiring “a written order at the time of defendant’s initial appearance and an oral confirmation of the terms of the written order at the first hearing following the defendant’s initial appearance.” See Superior Court Rules of Criminal Procedures, Rule 5(f) page 12.</p>

reasonably available to the defense.”		
Recommendation 5: Not Implemented (25%, 1 point)	Allow defendants to waive their right to appear in certain misdemeanor court proceedings letting an attorney appear in the defendant’s place.	
Step 5.1: By the end of 2022, D.C. Council should amend D.C. Code, modeled on California’s law, to allow defendants to waive their right to appear in misdemeanor court proceedings, with limited exceptions for some hearings on charges of domestic violence or driving under the influence.	Status: Not Implemented (1 point)	Notes: The D.C. Code was not amended in 2022 to allow defendants to waive their right to appear in misdemeanor court proceedings. However, the Superior Court Rules of Criminal Procedure include a rule on waiving appearance, so an amendment to the D.C. Code may not be necessary for Superior Court to make this change. See Superior Court Crim. Rule 43 .
Recommendation 6: Not Implemented (25%, 1 point)	Redesign the summons ticket to focus on the defendant’s court date and location, and the consequence for not appearing.	
Step 6.1: By the end of 2021, MPD and Superior Court should redesign their summonses based upon the New York City study.	Status: Not Implemented (1 point)	Notes: No evidence found through publicly available resources that MPD or Superior Court summonses were redesigned.
Recommendation 7: Not Implemented (25%, 2 points)	Create a text notification system to send automated court date reminders to defendants.	
Step 7.1: Beginning in FY22, Congress should fund an expansion of Superior Court’s jury duty text notification system to include hearing text notifications for all defendants.	Status: Not Implemented (1 point)	Notes: Congress has not funded an expansion of Superior Court’s jury duty text notification system to include hearing text notifications for all defendants. For additional context, Superior Court responded that it does not send any notifications of court dates for criminal defendants. The Pre-Trial Services Agency (PSA) sends text reminders to defendants of their court date. The Criminal Division, Domestic Violence Division and Family Court are in the process of configuring a new case management system and will explore the feasibility of text and email reminders of court dates in the new system.
Step 7.2: Beginning in 2022, Superior Court should be operating an automated system in	Status: Not Implemented (1 point)	Notes: Superior Court does not operate an automated notification system. For additional context, see notes for step 7.1 above.

addition to paper notifications sent to people under Pretrial Services Agency for the District of Columbia (PSA) supervision.		
Recommendation 8: Partially Implemented (50%, 2 points)	Superior Court should organize Safe Surrender days at least twice a year.	
Step 8.1: Superior Court should schedule and execute two safe surrender days in 2021 and every year thereafter.	Status: Partially Implemented (2 points)	Notes: Superior Court scheduled four safe surrender days in 2021, but the safe surrender program did not take place in 2022. See Virtual DC Safe Surrender 2021 .

SECTION 6: DISPOSITION AND SENTENCING

Recommendation 1: Partially Implemented (50%, 6 points)	Repeal all statutory and mandatory minimums.	
Step 1.1: By the end of 2021, D.C.'s Criminal Code Revision Commission (CCRC) should identify all statutory and mandatory minimums and deliver its recommendation for repeal to the D.C. Council.	Status: Fully Implemented (4 points)	Notes: CCRC identified the minimum and maximum sentencing penalties for each criminal offense. See CCRC, Advisory Group Memorandum #26 . CCRC's Revised Criminal Code (RCC) Recommendations appears to have removed all statutory and mandatory minimums. See Revised Criminal Code Compilation .
Step 1.2: By the end of 2022, D.C. Council should repeal all statutory and mandatory minimums in the D.C. Code.	Status: Not Implemented (1 point)	Notes: In November of 2022, the D.C. Council passed the Revised Criminal Code Act of 2021 which would repeal mandatory minimums, except for first degree murder. See B24-0416 . However, Congress voted to overturn the bill during its congressional review period in March of 2023, and B24-416 is therefore not D.C. law. For that reason, this step remains not implemented.
Step 1.3: By the end of 2022, D.C.'s Sentencing Commission should update its guidelines for charges that previously had statutory or mandatory minimums.	Status: Not Implemented (1 point)	Notes: The 2022 sentencing guidelines still contain mandatory minimum sentences in the appendices because D.C. has not repealed statutory and mandatory minimums in the D.C. Code, and therefore they are still law. See notes for step 1.2. See District of Columbia Sentencing Commission, Voluntary Sentencing Guidelines Manual (Aug. 15, 2022).

Recommendation 2: Not Implemented (25%, 1 point)	Amend laws regarding drug free zones to shrink the zone to 30 feet and reduce the sentencing enhancement.	
Step 2.1: By the end of 2022, D.C. Council should amend D.C. Code § 48-904.07 to shrink the drug free zone and change the sentencing enhancement.	Status: Not Implemented (1 point)	Notes: D.C. Code §§ 48-904.07 and 48-904.07a have not been amended.
Recommendation 3: Not Implemented (25%, 1 point)	Amend laws regarding gun free zones to shrink the zone to 30 feet and reduce the sentencing enhancement.	
Step 3.1: By the end of 2022, D.C. Council should amend D.C. Code § 22-4502.01 to shrink the gun free zone and change the sentencing enhancement.	Status: Not Implemented (1 point)	Notes: D.C. Code § 22-4502.01 has not been amended.
Recommendation 4: Fully Implemented (100%, 4 points)	Pass the Racial Equity Receives Real Change (REACH) Act with an amendment requiring D.C. Council to conduct a racial impact analysis on any future bill impacting arrests, pretrial detention, criminal procedure, sentencing, corrections, and all forms of supervision.	
Step 4.1: By September 2022, D.C. Council should amend the Racial Equity Achieves Results (REACH) Amendment Act of 2020.	Status: Fully Implemented (4 points)	Notes: The REACH Amendment Act of 2020 included a provision that the Council establish a Racial Equity Program to, among other things, include a protocol for conducting Racial Equity Impact Assessments on legislation. See DC Law 23-181 . The Council established the D.C. Council’s Office of Racial Equity in January of 2021. The Office’s primary purpose is to create Racial Equity Impact Statements for almost all types of permanent legislation that move through the D.C. Council, including bills impacting arrest, pretrial detention, criminal procedure, sentencing, corrections, and all forms of supervision. See Council Office on Racial Equity, How to Request A REIA .

SECTION 7: FACILITIES

Recommendation 1: Partially Implemented (38%, 3 points)	Reduce D.C.’s total pre-COVID-19 incarcerated population of approximately 5,800 people (1,800 at DOC and 4,000 at BOP) by one-third to one-half by FY30.
---	--

<p>Step 1.1: Between FY21 and FY25, the District should implement all of the Task Force’s community investment and population reduction measures, each of which is detailed in this Implementation Plan.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: The District’s implementation of the Task Force’s community investment and population reduction measures as detailed in this report are in various stages of progress. Some fully implemented, others partially implemented, and still others that have not begun implementation.</p>
<p>Step 1.2: The Office of the Deputy Mayor for Public Safety and Justice should publicly release quarterly reports on progress toward decarceration in each DOC and BOP population category.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: The Office of the Deputy Mayor for Public safety has not publicly released quarterly reports on progress toward decarceration in each DOC and BOP population category.</p>
<p>Recommendation 2: Partially Implemented (50%, 2 points)</p>	<p>Build a new non-traditional facility to house all people who must be detained pretrial for community safety and all people who are sentenced to incarceration, including those sentenced for felony convictions.</p>	
<p>Step 2.1: Stage 1 (six years, FY21-26): Begin community investment and decarceration policy changes to minimize incarcerated population; DOC continues to use CDF and CTF; DOC constructs NFA</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: Although some community investment and population reduction measures are in progress, many others recommended in the Phase II report which are critical to minimizing the incarcerated population have not been implemented, as detailed in this report.</p> <p>DOC continues to use CDF and CTF. The FY23 budget allocates \$251 million through FY28 to build a new annex to the District’s Correctional Treatment Facility (CTF) that will provide a new, modernized facility for up to 600 incarcerated residents. This new annex will advance the District’s goal to close the aging Central Detention Facility (CDF) and move all incarcerated residents into a newly transformed CTF.</p>
<p>Recommendation 3: Not Implemented (25%, 2 points)</p>	<p>Relax eligibility requirements for DOC residents to qualify for work release and increase the number of residents transferred to a halfway house or home confinement for participation.</p>	
<p>Step 3.1: By the end of 2021, DOC should revise its Program Statement 8010.1B governing work release of sentenced</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: Program Statement 8010.1B has not been revised since January 2018.</p>

misdemeanants to a halfway house.		
Step 3.2: By the end of 2021, DOC should contract with the new men’s halfway house and the women’s halfway house for work release halfway house placement and home confinement supervision.	Status: Not Implemented (1 point)	Notes: There is no indication from DOC or the D.C. Office of Contracting & Procurement that any such contracts exist. The Men’s halfway house still does not exist. See D.C. Dept of Corrections Contracts Page and Contracts and Procurement Transparency Portal Search Contracts .
Recommendation 4: Other (Unable to score)	As soon as space permits, transfer people serving felony convictions in BOP facilities back to DOC custody, prioritizing those who: are within two years of release; are housed on a dedicated medical unit; have minor children; have passed their initial parole eligibility date; are eligible for Second Look Amendment Act resentencing; are eligible for special education services under the Intellectual Disabilities Education Act; and/or have been diagnosed with a serious mental illness, intellectual or developmental disabilities, or a traumatic brain injury.	
Step 4.1: In FY22, the Mayor, the DOC, and the BOP should begin conversations brokering the transfer of select D.C. Code offenders back to DOC custody.	Status: Other (N/A)	Notes: It is unclear if the Mayor, DOC, and the BOP began conversations brokering the transfer of select D.C. Code offenders back to DOC custody in FY22.
Recommendation 5: Partially Implemented (35%, 7 points)	Prioritize quick and safe approval of the raze application and all other permits required for CORE D.C. to open its new halfway house facility at 3701 Benning Rd NE.	
Step 5.1: In 2021 all raze and building permits should be approved as expeditiously as safely possible.	Status: Substantially Implemented (3 points)	Notes: According to D.C. public records, several zoning and construction permits have been applied for and approved since 2021 at 3701 Benning Rd NE, including several in 2022. It is not readily apparent via public records if these approved permits include all necessary raze and building permits. Permit applications can be found on the District’s SCOUT database (Database requires a login).
Step 5.2: CORE D.C. should open the new halfway house by the end of April 2022.	Status: Not Implemented (1 point)	Notes: The new halfway house has not opened but is “currently developing” according to the CORE D.C. Website .
Step 5.3: BOP and DOC should immediately transfer as many	Status: Not Implemented (1 point)	Notes: Not implemented due to delay in opening new halfway house.

residents to the facility as is safe.		
Step 5.4: CIC should monitor the halfway house conditions and delivery of effective and compassionate case management and other services and publish a yearly report.	Status: Not Implemented (1 point)	Notes: Not implemented due to delay in opening new halfway house.
Step 5.5: CORE D.C. should publish annual reports that include resident satisfaction survey results and data on the measurements outlined in 5b such as the number of residents able to achieve stable employment.	Status: Not Implemented (1 point)	Notes: Not implemented due to delay in opening new halfway house. There is also no evidence that CORE D.C. has published resident satisfaction survey results and data for its other housing facilities.
Recommendation 6: Not Implemented (25%, 1 point)	CORE D.C. should negotiate Memorandums of Understanding (MOU) with community-based organizations, supporting access to resources and supports for its halfway house residents while in the new facility and on home confinement.	
Step 6.1: CORE D.C. should negotiate MOUs with community-based organizations before the end of March 2021 and update them as necessary.	Status: Not Implemented (1 point)	Notes: No evidence found in public records that CORE D.C. has negotiated MOUs.
Recommendation 7: Not Implemented (25%, 1 point)	CORE D.C. should negotiate a Community Benefits Agreement (CBA) with ANC 7F and other organizations based in the neighborhood surrounding a new halfway house to support cooperation with nearby residents and address community safety concerns.	
Step 7.1: CORE D.C. should negotiate the CBAs with ANC 7F and other neighborhood organizations before the end of March 2021 and update them as necessary.	Status: Not Implemented (1 point)	Notes: No evidence found in public records that CORE D.C. has negotiated CBAs.

SECTION 8: RELEASE FROM INCARCERATION

<p>Recommendation 1: Not Implemented (25%, 1 point)</p>	<p>Amend D.C.’s Second Look Amendment Act to allow any person who has served at least ten (10) years in prison to petition for resentencing and require D.C. Superior Court to review sentences of any person who has served at least 20 years.</p>	
<p>Step 1.1: By the end of 2022, D.C. Council should amend D.C. Code § 23-403.03 (sic) to eliminate the age requirement and drop the time-served requirement to ten years, adding required review of the sentence of any person who has served at least 20 years.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: There was a typo in the Phase II report, and Step 1.1 meant to reference D.C. Code § 24-403.03, which covers “{m}odification of an imposed term of imprisonment for violations of law committed before 25 years of age.” The D.C. Council passed the Revised Criminal Code Act (B24-416) in 2021 which did eliminate the age requirement, but set the time-served eligibility at 20 years for those 25 years or older at the time offense was committed. This would make Step 1.1 partially implemented. However, B24-416 did not survive Congressional override in March of 2023 and is therefore not law. As a result, this step has not been implemented.</p>
<p>Recommendation 2: Other (Unable to score)</p>	<p>Make all reasonable efforts to provide accurate and timely notice of Superior Court hearings and release decisions to victims under D.C.’s Crime Victims’ Bill of Rights.</p>	
<p>Step 2.2: Once a baseline rate of victim participation is established, USAO-DC should work with victims’ rights organizations to develop a targeted strategy to increase timeliness of notice and opportunity.</p>	<p>Status: Other (N/A)</p>	<p>Notes: USAO-DC responded that they have strong relationships with victim advocacy organizations and are amenable to working with them to implement ideas as to how to continue to improve outreach to victims. It is unclear however if USAO-DC has specifically implemented any targeted strategies with victims’ rights organizations to increase timelines of notice and opportunity.</p> <p>USAO-DC also identified that often contact information that their victim advocates and prosecutors can obtain are outdated, and problems reaching victims are particularly pronounced in cases that involve very old convictions. Looking forward, their office plans to work on ways to improve their internal systems and public awareness of the victim notification systems that are already in place. For example, when victim advocates engage in community events, they now encourage victims in the community to ensure that their contact information in victim notification systems remains updated.</p>
<p>Recommendation 3: Substantially Implemented (83%, 10 points)</p>	<p>Permanently codify COVID-19 responsive changes to D.C.’s misdemeanor and felony Good Time law and policy.</p>	
<p>Step 3.1: By the end of 2022, D.C. Council should permanently</p>	<p>Status: Fully Implemented</p>	<p>Notes: While the language is slightly different from the language of the temporary/emergency amendments, D.C. Code § 24-221.01c, as amended on April 27, 2021, states that</p>

<p>codify the emergency change to D.C. Code § 24-221.01c, which allows people incarcerated for a misdemeanor to receive more than ten Good Time credits per month during the COVID-19 crisis.</p>	<p>(4 points)</p>	<p>“No person shall receive more than 10 credits per calendar month under § 24-221.01 and this section combined; except that the Department of Corrections shall have discretion to award additional credits beyond the limits described in this subsection, including pursuant to § 24-211.01 and this section, consistent with public safety.”</p>
<p>Step 3.2: By the end of 2021, DOC should make permanent its policy changes to Good Time credits for people serving misdemeanor convictions, including that once Good Time credits are awarded, they are vested and cannot be forfeited and that residents are eligible to receive up to 20 Good Time credits per calendar month.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: DOC does not appear to have permanently amended Program Statement 4341.1B to incorporate the policy changes in Change Notice #19-002. Change Notice #19-002, signed March 30, 2020, stated that the changes will apply to Good Time Credits (GTC) for 180 days effective upon signing of the change notice. Program Statement 4341.1B limits the Good Time Credits to no more than ten per calendar month. Note that in Program Statement 4341.1B, DOC does state its policy that “Once Good Time Credits are awarded for successful program participation, work details or special projects, they are vested and cannot be forfeited.” In addition, Change Notice #19-002, states that “Once GTC are awarded, they are vested and cannot be forfeited.”</p>
<p>Step 3.3: By the end of 2022, D.C. Council should permanently codify the emergency changes to Good Time credits for people serving felony sentences.</p>	<p>Status: Fully Implemented (4 points)</p>	<p>Notes: D.C. Code § 24-403.01a, as amended on April 27, 2021, covers good time credits for felony offenses committed before August 5, 2000, with language consistent with the emergency/temporary amendments in May 2020, June 2020, October 2020, and March 2021.</p>
<p>Recommendation 4: Not Implemented (25%, 3 points)</p>	<p>Amend D.C.’s Educational Time law so that all people are eligible for Educational Time credits, regardless of their date of sentencing.</p>	
<p>Step 4.1: By the end of 2022, D.C. Council should amend D.C. Code § 24–221.01 so people are eligible for Educational Time credit, regardless of the date of sentencing.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: D.C. Code § 24–221.01 (as of March 20, 2023) does not appear to have been amended since 2009. However, the current language does not expressly limit the people eligible for Educational Time credit based on the date of sentencing, nor does the section contain language expressly stating that people are eligible regardless of the date of sentencing.</p>
<p>Step 4.2: By the end of 2022, D.C. Council should amend D.C.</p>	<p>Status: Not Implemented</p>	<p>Notes: D.C. Code § 24-221.01 has not been amended since 2009.</p>

Code § 24-221.01 to increase the number of Educational Time credits available.	(1 point)	
Step 4.3: By the end of 2022, D.C. Council should repeal or amend D.C. Code § 24-221.01b, which limits Educational Time and Good Time credits so that they cannot reduce a minimum sentence of anyone convicted of a crime of violence as defined by D.C. Code § 22-4501, by more than 15%.	Status: Not Implemented (1 point)	Notes: D.C. Code § 24-221.01b has not been repealed or amended.
Recommendation 5: Fully Implemented (100%, 4 points)	Permanently codify expansions to eligibility requirements under D.C.'s Compassionate Release statute.	
Step 5.1: By the end of 2022, D.C. Council should amend D.C. Code § 23-403.04 (sic) to permanently adopt a revised version of the provisions created by D.C. Act 23-328, the Coronavirus Support Congressional Review Emergency Amendment Act of 2020, and expanding eligibility.	Status: Fully Implemented (4 points)	Notes: There was a typo in the Phase II report, and Step 5.1 meant to reference D.C. Code § 24-403.03. D.C. Code § 24-403.04 was amended on April 17, 2021, with the provisions created by D.C. Act 23-328 with slight modifications.
Recommendation 6: Substantially Implemented (56%, 9 points)	D.C.'s Clemency Board should begin accepting and processing applications, and making recommendations for commutations and pardons to the President of the United States.	
Step 6.1: Immediately, the Clemency Board should publish public notice of rulemaking and finalize the D.C. clemency application.	Status: Fully Implemented (4 points)	Notes: The notice of final rulemaking was published December 24, 2021: 68 D.C. Reg. 013812 . The regulations establish the basic governance for the Clemency Board and explain the process for persons convicted of District offenses to apply for a letter of recommendation from the Clemency Board, among other provisions.

<p>Step 6.2: By February 2021, the Clemency Board should publish and publicize the D.C. clemency application; schedule recurring meetings for the review of clemency applications; and develop a meeting plan.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: The Clemency Board has published the application to be considered for a letter of recommendation on its website: https://clemency.dc.gov/. The regulations require the Board to hold at least eight meetings a year, at such times and places as provided in the notice of the meeting. While the regulations note that the Board shall close a meeting or a portion of the meeting to the public to consider applications, they do not appear to require the review of applications at set meetings. 68 D.C. Reg. 013812 (Dec. 24, 2021).</p>
<p>Step 6.3: Between February and June 2021, the Clemency Board should begin receiving applications for clemency; review each complete application; and vote, within six months, on whether to recommend the applicant for clemency.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: The application process was launched in March 2022. As of December 2022, the Board was considering applications and conducting outreach to make sure eligible people are aware of the clemency process.</p>
<p>Step 6.4: By the end of July 2021, the Clemency Board should send the first set of recommendation for clemency to the President of the United States.</p>	<p>Status: Not implemented (1 point)</p>	<p>Notes: As of April 1, 2023, The Clemency Board has not yet sent the first set of recommendations for clemency to the President.</p> <p>D.C. Code § 24-481.03(b)(9) requires the Board to track and publish the number of applications recommended to the President in an annual report to the Council and on the EOM’s website. Given the late launch of the application process, the deadline to publish the number of applications recommended has not yet passed.</p>

SECTION 9: PROBATION, PAROLE, AND SUPERVISED RELEASE

<p>Recommendation 1: Not Implemented (25%, 1 point)</p>	<p>Set a maximum probation period of one year for a misdemeanor offense and two years for a felony offense.</p>	
<p>Step 1.1: By the end of 2022, D.C. Council should amend D.C. Code §24-300 (sic) to limit terms of probation supervision.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: This was a typo; the Task Force meant to reference Chapter 3 of Title 24 of D.C. Code §§ 24-301 through 24-306 which cover Probation, or more relevantly, D.C. Code § 16-710 which directly references periods of probation, but none of these sections have been amended (as of March 20, 2023) to limit terms of probation supervision.</p>

		For additional context, The Revised Criminal Code Act of 2021 (B24-416) included language allowing courts to place defendants on probation not to exceed one year for misdemeanor offenses, but despite its passage by the D.C. Council, this bill is not D.C. law following Congressional override in March 2023.
Recommendation 2: Not Implemented (25%, 1 point)	Set a maximum supervised release period of two years.	
Step 2.1: By the end of 2022, D.C. Council should amend D.C. Code §24-402.01 (sic) to limit terms of supervised release.	Status: Not implemented (1 point)	Notes: This was a typo; the Task Force meant to reference § 24-403.01, which covers terms of supervised release, but this section has not been amended since the publication of the Phase II Report.
Recommendation 3: Not Implemented (25%, 1 point)	Establish earned discharge credits, which decrease any term of probation, parole, or supervised release by 30 days for each month a probationer is substantially compliant with conditions.	
Step 3.1: By the end of 2022, D.C. Council should amend D.C. Code §24-300 (sic) and D.C. Code §24-402.01 (sic) to establish earned discharge credits.	Status: Not implemented (1 point)	Notes: As noted for steps 1.1 and 2.1 above, the Task Force meant to reference Chapter 3 of Title 24 of D.C. Code §§ 24-301 through 24-306, § 16-710, and § 24-403.01. None of these sections have been amended to establish earned discharge credits.
Recommendation 4: Other (Unable to score)	CSOSA should assess its supervision protocols and institute changes to the mode and frequency of reporting conditions based upon successful alternative supervision methods.	
Step 4.1: CSOSA should complete its assessment of supervision protocols, paying particular attention to lessons learned from the COVID-19 public health emergency, by the end of FY22.	Status: Other (N/A)	Notes: Could not find evidence regarding CSOSA assessment of supervision protocols.
Step 4.2: CSOSA should share the assessment process, results, and any changes made to supervision protocols with the public by the end of FY22.	Status: Other (N/A)	Notes: Could not find evidence regarding CSOSA assessment of supervision protocols.

<p>Recommendation 5: Other (Unable to score)</p>	<p>CSOSA should use a needs-based model, connecting supervisees to required resources to prevent alleged violations.</p>	
<p>Step 5.1: By the end of FY22, CSOSA should adjust policies, training, and practice, to use evidence-based practices to connect supervisees to the resources they need to successfully complete supervision.</p>	<p>Status: Other (N/A)</p>	<p>Notes: Unclear if CSOSA adjusted its policies, training, and practices by the end of FY22.</p> <p>However, CSOSA’s strategic plan for FY 2022-2026 outlines the following four strategic goals that include a stated intention to use evidence-based practices to connect supervisees to resources: “(1) reduce recidivism by targeting criminogenic risk and needs using innovative and evidence-based strategies; (2) integrate offenders into the community by connecting them with resources and interventions; (3) strengthen and promote accountability by ensuring offender compliance and cultivating a culture of continuous measurement and improvement; and (4) support the fair administration of justice by providing timely and accurate information to criminal justice decision-makers.”</p>
<p>Recommendation 6: Not Implemented (25%, 2 points)</p>	<p>Raise the evidentiary standard at parole and supervised release revocation hearings on alleged violations of release to “clear and convincing.”</p>	
<p>Step 6.1: By June 2021, the U.S. Parole Commission (USPC) should amend 28 CFR 2.218 to raise the evidentiary standard at revocation hearings to “clear and convincing.”</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: 28 C.F.R. §2.218 has not been amended to raise the evidentiary standard. 28 C.F.R. §2.218(a) states that “Whenever a releasee is summoned or retaken by the Commission, and the Commission finds by a preponderance of the evidence that the releasee has violated one or more conditions of supervised release, the Commission may take any of the following actions . . .”</p>
<p>Step 6.2: June 2022, D.C. Council should pass legislation governing the new paroling authority, including a “clear and convincing” evidentiary standard at revocation hearings.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: The D.C. Council has not passed any legislation that would restore local control of parole to the District. See D.C. Stumbles leave fate of local control of parole to new Congress, Brice-Saddler, M., & Flynn, M., The Washington Post (2022, October 22).</p>
<p>Recommendation 7: Not Implemented (25%, 2 points)</p>	<p>Prohibit revocations of parole and supervised release based solely upon new criminal charges that have not reached a disposition of guilty.</p>	
<p>Step 7.1: By June 2021, USPC should amend 28 CFR 2.218 to prohibit revocations based solely upon new criminal charges that</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: 28 C.F.R. § 2.218 has not been amended.</p>

have not reached a disposition of guilty.		
Step 7.2: By June 2022, D.C. Council should pass legislation governing the new paroling authority, including a prohibition on revocations based solely upon new criminal charges that have not reached a disposition of guilty. However, the law should not prohibit plea deals for new criminal charges that include revocation of parole or supervised release.	Status: Not Implemented (1 point)	Notes: The D.C. Council has not passed any legislation that would restore local control of parole to the District. See D.C. Stumbles leave fate of local control of parole to new Congress , Brice-Saddler, M., & Flynn, M., The Washington Post (2022, October 22).
Recommendation 8: Not Implemented (25%, 2 points)	Prohibit revocations of release in response to the first finding of a technical violation, unless the releasee is in loss of contact status or has allegedly violated sex offense related conditions or a stay away/protective order.	
Step 8.1: By June 2021, USPC should amend 28 CFR 2.218 to prohibit revocations of release in response to the first finding of a technical violation, unless the releasee is in loss of contact status or has allegedly violated sex offense related conditions or a stay away/ protective order.	Status: Not Implemented (1 point)	Notes: 28 C.F.R. §2.218 has not been amended.
Step 8.2: By June 2022, D.C. Council should pass legislation governing the new paroling authority, including a prohibition on revocations of release in response to the first finding of a technical violation, unless the releasee is	Status: Not Implemented (1 point)	Notes: The D.C. Council has not passed any legislation that would restore local control of parole to the District. See D.C. Stumbles leave fate of local control of parole to new Congress , Brice-Saddler, M., & Flynn, M., The Washington Post (2022, October 22).

<p>in loss of contact status or has allegedly violated sex offense related conditions or a stay away/protective order due to revocations of probation. Stay away/protective orders that only attach to a business or geographic area and not a person should not be excluded. The law should also require the supervising agency to conduct proactive outreach to the supervisee and collateral contacts before designating a supervisee as a loss of contact.</p>		
<p>Recommendation 9: Not Implemented (25%, 1 point)</p>	<p>Use non-custodial summonses rather than arrest warrants for all alleged technical violations, except loss of contact, sex offense related conditions, and stay away/protective orders.</p>	
<p>Step 9.1: USPC should immediately begin using its power under 28 CFR § 2.212 to issue summonses rather than arrest warrants.</p>	<p>Status: Other (N/A)</p>	<p>Notes: Could not find evidence regarding whether USPC has issued summonses rather than arrest warrants.</p>
<p>Step 9.2: By June 2022, D.C. Council should pass legislation governing the new paroling authority, including a preference for using summonses over arrest warrants. Stay away/ protective orders that only attach to a business or geographic area and not a person should not be excluded.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: The D.C. Council has not passed any legislation that would restore local control of parole to the District. See D.C. Stumbles leave fate of local control of parole to new Congress, Brice-Saddler, M., & Flynn, M., The Washington Post (2022, October 22).</p>
<p>Recommendation 10: Partially Implemented</p>	<p>Building on a robust stakeholder and community engagement process, the District should establish a mechanism for parole grants and parole and</p>	

(38%, 6 points)	supervised release revocations that will process cases beginning not later than November 1, 2022. That mechanism must: a) reduce incarceration consistent with public safety, b) strengthen due process and other protections for people seeking a grant or facing revocation, and c) ensure local control, transparency, and accountability over process and decisions.	
Step 10.1: In 2021, Congress must amend Section 11231(a) of the Revitalization Act, which requires the USPC to “assume the jurisdiction and authority” of the D.C. Board of Parole.	Status: Not Implemented (1 point)	Notes: No new D.C. paroling authority has been established and no legislation governing such authority has been passed. See D.C. Stumbles leave fate of local control of parole to new Congress , Brice-Saddler, M., & Flynn, M., The Washington Post (2022, October 22).
Step 10.2: From January to May 2021, D.C. Council should lead a robust community engagement effort to determine whether the paroling authority should be held by a new D.C. Board of Parole, the Superior Court, or a combination of the two.	Status: Partially Implemented (2 points)	Notes: The D.C. Council’s Committee on the Judiciary and Public Safety held a public roundtable on local control of parole in May of 2021. However, no determination about the structure of a local parole authority has been made.
Step 10.3: By the end of September 2021, D.C. Council should pass legislation establishing the new paroling authority.	Status: Not Implemented (1 point)	Notes: No new D.C. paroling authority has been established and no legislation governing such authority has been passed. See D.C. Stumbles leave fate of local control of parole to new Congress , Brice-Saddler, M., & Flynn, M., The Washington Post (2022, October 22).
Step 10.4: In FY22, D.C. Council should budget for the staff and other resources necessary to develop policies and processes to make the new paroling authority operational by November 1, 2022.	Status: Partially Implemented (2 points)	Notes: The FY22 budget for the Office of the Deputy Mayor for Public Safety and Justice included a one-time increase of \$200,000 in the Administrative Management program, which included \$100,000 to support operational planning necessary to assume local control of parole functions currently carried out by the federal government. Government of the District of Columbia FY 2022 Approved Budget and Financial Plan, Volume 2 , at C-209. However, this one-time increase was insufficient to meet the staffing and other resource needs to accomplish this step, and D.C. has not established a local parole authority.

SECTION 10: REENTRY

Recommendation 1: Substantially Implemented (75%, 3 points)	Pass omnibus criminal record sealing and expungement legislation.	
Step 1.1: D.C. Council should pass omnibus criminal record sealing and expungement legislation by March 2021.	Status: Substantially Implemented (3 points)	Notes: The DC Council passed B24-63 , “The Second Chance Amendment Act of 2022” in December of 2022, and the law was enacted in January 2023.
Recommendation 2: Partially Implemented (50%, 2 points)	Expand entrepreneurship programming for returning citizens.	
Step 2.1: D.C. Council should increase funding to the D.C. Department of Small and Local Business Development’s Aspire Program by \$100,000 in FY22, with gradual increases each subsequent year through FY26.	Status: Partially Implemented (2 points)	Notes: The District allocated \$250K to the Aspire Program to provide entrepreneurship opportunities to returning citizens in the FY22 budget. FY 2022 Approved Budget and Financial Plan, Volume 1 , at I-8.
Step 2.2: Aspire should work with Georgetown University’s Pivot Program and other entrepreneurial programs for returning citizens to develop and share best practices.	Status: Other (N/A)	Notes: Could not find evidence of whether Aspire has worked with Georgetown University’s Pivot Program or other entrepreneurial programs.
Recommendation 3: Other (Unable to score)	Expand peer support and mentoring opportunities for returning citizens at community-based organizations.	
Step 3.1: Beginning in FY22, D.C. Council should allocate money to OVSJG to fund peer positions at community-based organizations and should also fund additional peer positions at agencies	Status: Other (N/A)	Notes: In the 2023 OVJSG Responses to Performance Oversight Questions for FY22 , page 13, the agency noted that they awarded funding to DOC for a Community Liaison position to facilitate connection between community-based reentry providers, staff and clients of the READY Center. However, it is not clear whether this position is filled by a “peer,” per the recommendation. OVSJG also provided “\$200,000 for a grant for a social work school and returning citizen “peer navigator” partnership to provide reentry support to returning citizens sentenced as

including MORCA, DOC, ONSE, and OAG.		teenagers and young adults.” However, it is unclear if these peer navigators would be based out of the recommended agencies.
Recommendation 4: Partially Implemented (42%, 5 points)	Increase the D.C. Office of Victim Services and Justice Grants (OVSJG) justice grants funding to support community-based reentry services.	
Step 4.1: From FY22–FY29, D.C. Council should allocate at least an additional \$200,000 in reentry justice grants funding to OVJSG each year until the grant funding reaches \$6 million.	Status: Partially Implemented (2 points)	Notes: The approved operating budget for FY21 for Justice Grants was \$11,321,000, which included local one-time funding for community-based reentry grants, funds for a men's reentry housing pilot program, and peer support for reentry services for sentence review petitioners and recipients. FY 2021 Approved Budget and Financial Plan, Volume 2 , at C-235 and C-239. In FY22, the Justice Grants budget increased to \$22,182,000 and included funds for reentry services for transgender returning citizens, community-based reentry services grants, and reentry housing grants. FY 2022 Approved Budget and Financial Plan, Volume 2 at C-231 and C-236.
Step 4.2: Beginning in FY22, OVJSG should alternate between increasing the number of community-based organizations that receive justice grants reentry funding and also increasing the maximum amount of awards.	Status: Partially Implemented (2 points)	Notes: A list of OVSGJ justice grant recipients and awards can be found in the OVJSG Responses to Performance Oversight Questions for FY22 . For additional context, OVSGJ reports that in FY22, it awarded American Rescue Plan Act (ARPA) reentry flex funding to eleven community-based organizations for assessed client need(s). OVJSG Responses to Performance Oversight Questions for FY22 , page 13.
Step 4.3: OVSJG should continue Effort to Outcomes reports on reentry grantee services and share the findings publicly.	Status: Not Implemented (1 point)	Notes: No evidence of published OVSJG’s Effort to Outcomes reports
Recommendation 5: Partially Implemented (38%, 3 points)	Expand the use of the housing-first model among reentry housing providers.	
Step 5.1: By the end of 2022, OVSJG and housing pilot grantees should publish data and reflections on successes and challenges of the housing-first returning citizens pilot.	Status: Not implemented (1 point)	Notes: No evidence of published data or reflections on successes and challenges of the first returning citizens’ pilot.

<p>Step 5.2: Housing-first providers should educate reentry and other service providers on the housing-first model and partner to provide wrap-around services for residents.</p>	<p>Status: Other (N/A)</p>	<p>Notes: No evidence found regarding whether action has been taken for this step.</p>
<p>Step 5.3: OVSJG, the D.C. Department of Behavioral Health (DBH), and the D.C. Department of Human Services (DHS) should continue to housing-first programs for returning citizens with at least \$2 million per year, as started in FY21.</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: D.C. allocated grant funding through OVSJG in FY21 for a reentry housing pilot which received additional funding in FY22. FY 2022 Approved Budget and Financial Plan, Volume 2.</p> <p>In its Performance Oversight responses, OVSGJ reports that in FY22, it funded four community service organizations to provide reentry housing to men and women; 46 clients received housing and wrap-around services. OVSJG Responses to Performance Oversight Questions for FY22, page 14.</p>
<p>Recommendation 6: Partially Implemented (33%, 4 points)</p>	<p>Ensure immediate connections to high-quality behavioral health services upon release from incarceration.</p>	
<p>Step 6.1: In FY22, D.C. Council should increase recurring funding for DBH’s adult behavioral health services.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: The DC Council did not increase recurring funding for DBH’s adult behavioral health services in FY22. See Approved FY22 Budget, Agency Budget Chapters, Part 3, Volume 4, E-33.</p>
<p>Step 6.2: In 2021, DBH should begin requiring service providers to record and share data on their consumers’ justice-involvement.</p>	<p>Status: Not Implemented (1 point)</p>	<p>Notes: It does not appear that DBH is requiring service providers to record and share data on their consumers’ justice-involvement. However, DBH reports that it does track the number of returning citizens who have been contacted and linked by DBH staff for intake appointments to Core Service Agencies monthly. See “Seventy-seven Percent of Auditor Recommendations In Place or In Progress,” Appendix C, page 8.</p>
<p>Step 6.3: In 2021, DBH and D.C. Department of Health Care Finance (DHCF) should provide DOC’s medical provider limited access to behavioral health records and claims databases, through an MOU, for the purposes of accessing the</p>	<p>Status: Partially Implemented (2 points)</p>	<p>Notes: Per the Auditor’s 2023 Report (Appendix C, page 7), DBH provides DOC with substance use disorder (SUD) medical information when authorized by a written consent form, but it is unclear how often this happens in practice. Nor is it clear whether this information is shared for patients without SUDs who enter DOC custody. In the same report, DOC noted that since 2020 its medical provider reviewed patients’ records with a DBH liaison shortly after intake to determine any prior history with DBH.</p>

<p>behavioral health histories of patients in DOC custody who provide informed consent.</p>		<p>In addition, Unity Healthcare shared that they receive a spreadsheet from DBH, generated from iCAMS, about twice a week with basic information about their residents who have had community involvement with DBH or CSA, and that this information has proven helpful to Unity in contacting providers, confirming medications, and making re-entry plans.</p>
---	--	---